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43(1).[2]

REPORTS OF THE COMMITTEES

OF

THE HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-THIRD CONGRESS.

1873-'74.

IN FIVE VOLUMES :

Volume 1.....No. 1 to No. 262, inclusive.
Volume 2.....No. 263 to No. 434, inclusive.
Volume 3.....No. 435 to No. 611, part 2, inclusive.
Volume 4.....No. 612 to No. 770, inclusive.
Volume 5.....No. 771 to No. 843, inclusive.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1874.



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HOT SPRINGS RESERVATION, ARKANSAS.

MARCH 26, 1874.—Recommended to the Committee on Private Land-Claims and ordered to be printed.

Mr. PACKARD, from the Committee on Private Land-Claims, submitted the following

REPORT:

[To accompany bill H. R. 608.]

The Committee on Private Land-Claims, to which was referred the bill (H. R. 608) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation, in Arkansas, report thereon as follows :

The descendants of Don Juan Filhiol claim title to a tract of land known as the Hot Springs tract, situated in the State of Arkansas. Their memorial shows that there are missing links of title, or at least such a cloud upon the title that they are induced to ask Congress either to confirm their title or to allow them thirty days to bring their suit in the Court of Claims to establish it.

A former act of Congress, June 11, 1870, gave these parties two years within which to bring their suit. They failed to bring it within the time; hence their application for the further extension of time.

In support of their claim, they say that their ancestor, Don Juan Filhiol, was an officer in the Spanish army in the war between Spain and England, and acted as the commandant of the post of Ouchita, in the province of Louisiana, then belonging to Spain; that, as a recompense for this and other military services, sundry grants of land were made to him, among the number the Hot Springs tract, by Don Estovan Miro, then Spanish governor-general of the province of Louisiana, and who was authorized to make such grants; that the grant to the Hot Springs tract bears date 12th December, 1787, but the original grant is not produced before the committee. The reason given for its non-production will be alluded to in another connection.

The memorial further states that Don Juan Filhiol sold said Hot Springs tract to his son-in-law, Narcisso Bourjeat, by deed dated November 25, 1803, and a copy of such deed is exhibited. That said Bourjeat resold said land to Don Juan Filhiol, by deed bearing date July 17, 1806, and a copy of such deed is produced.

It is further stated that Don Juan Filhiol was married in 1782; had three children; that his wife died before he died, and that he died in the year 1821, about eighty-one years of age, and that memorialists are his lineal descendants.

They further state that Grammont Filhiol, son of Don Juan Filhiol, has, from time to time, for the last fifty years, employed different agents and attorneys to prosecute their claim, but that they had either neg-

lected to do so, or they, by collusion with others, endeavored to secure the land for themselves.

The deed from Don Juan Filhiol refers to a grant from Don Estovan Miro, as the basis of the claim of Don Juan Filhiol. This recital, however, would only be evidence as between parties and privies to the deed, and would not be evidence to establish the existence of the original grant as against strangers and adverse claimants.

The original grant remains unaccounted for, except by a probability that is raised by circumstantial statements that it was burned at the time the old St. Louis Hotel was burned, in New Orleans, in 1840, or that it was sent to the governor-general of Cuba, or was sent to the home government of Madrid.

The memorialists have filed with the committee a paper purporting to be a copy of a copy of a grant answering the description of what they allege was the original. There is also a copy of a certificate and figurative plan, accompanying the supposed copy of the grant, made by Don Carlos Trudeau, surveyor-general of Louisiana, under the government of Miro and Carondelet.

The evidence of Lozare shows that Don Juan Filhiol during his life claimed the land. Other evidence shows that he leased the springs to one Dr. Stephen P. Wilson about the year 1819; but there is no evidence before the committee to show that Don Juan Filhiol, or any one claiming under him, ever had the actual possession of the land.

By the report of the Hon. Thomas Ewing, the Secretary of the Interior, June 24, 1850, Senate Executive Document No. 70, Thirty-first Congress, 1849-50, vol. 14, it appears that the Interior Department had the whole subject of the Hot Springs before it, and to which reference is made for the detailed history.

We, however, may allude to the leading facts presented in the report:

One Francis Langlois claimed title to the "Hot Springs" by virtue of a New Madrid location certificate, dated November 26, 1818, pursuant to the act of Congress, February 17, 1815, for the relief of the citizens of New Madrid County, Missouri Territory, who suffered by the earthquake.

S. Hammond and Elias Rector applied to the surveyor of public lands for the State of Illinois and Territory of Missouri for an entry or donation of land to include the Hot Springs, on the 27th January, 1819.

The widow and children of John Perceval, filed in the office of the Interior Department, in 1838, or some year prior thereto, a caveat to suspend the issuance of a patent to any other claimants, and setting up a claim for themselves under the pre-emption act of 1814, and showing by proof that John Perceval had possession of land as early, perhaps, as 1814, and held the possession to the time of his death; and that his widow and children, by themselves or tenants, had held the possession up to the filing of their caveat.

About the year 1841 Ludovicus Belding and William and Mary Davis set up a claim to the land.

On the 1st March, 1841, Congress passed "An act to perfect the titles to the lands south of the Arkansas River, held under New Madrid locations and pre-emption rights, under act of 1814."

These lands had not been subject to location and pre-emption prior to 24th August, 1818, the date of the Quapaw treaty which extinguished the Indian title.

On the 26th April, 1850, Hon. S. Borlan, as agent of Grammont Filhiol, set up a claim of title to the Hot Springs, based upon the Spanish grant before alluded to, and applied to the Department for time to pre-

pare and present the claim. This was the first time the claim was brought legally to the notice of the Government.

On the 20th April, 1832, Congress passed an act reserving the Salt and Hot Springs from entry or location, or for any appropriation whatever.

The Department of the Interior was much embarrassed in the disposition of these conflicting claims. The opinion of the Attorney-General was invoked. He decided in favor of the Langlois claim, on the 29th April, 1850, but it does not appear that the Filhiol claim was prepared for his action at the time. But before the patent could issue caveats were filed and suspended the issuance; and no patent has issued from the Government since that time.

It does not appear that any steps were taken for the settlement of these claims from the year 1850 to 1870. In 1870 Congress passed the act authorizing the different claimants to have their titles adjudicated in the United States Court of Claims, and allowing them two years to bring suits.

On the 26th day of May, 1824, (4 U. S. Stat., p. 52, sec. 1,) Congress authorized claimants to lands in Missouri, under any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued before the 10th March, 1804, and which was protected or secured by the treaty between the United States and France on 3d April, 1803, might petition the district court of Missouri and have such claims established.

By the fourteenth section of this act the same provision was applied to similar claimants in the Territory of Arkansas, and was to continue in force until 1830.

This act was revived by section one, act of June 17, 1844, (5 U. S. Stat., 676,) and continued in force five years from date of its passage.

The Supreme Court of the United States held these acts only conferred jurisdiction on the courts to hear and determine upon imperfect grants. (9 Howard, p. 127; 11 Howard, p. 609.)

It is contended that the Filhiol grant, assuming the existence of such grant, did not fall within the jurisdiction of the court, as it was not an "imperfect grant," but a perfect grant which had been lost, mislaid, or suppressed. The jurisdiction of the court being limited by statute, it, perhaps, would not have stretched the jurisdiction far enough to have set up and established the existence of the missing grant so as to give effect to it. The whole train of decisions on kindred questions show that the courts of the United States have confined themselves quite rigidly to the authority conferred by act of Congress.

On the 22d June, 1860, Congress passed an act for the final adjustment of private land-claims in the States of Louisiana, Florida, and Missouri, but by a singular omission did not include Arkansas. This act authorized the courts to determine the cases according to equity and justice.

In 1801 Spain, by the treaty of Saint Ildefonso, ceded the territory of Louisiana to France. By treaty of April 30, 1803, France ceded Louisiana to the United States, the United States claiming the river Perdido as the eastern boundary, while the Spaniards claimed the Mississippi as the western boundary, and held possession to the Mississippi, except the island of New Orleans, until 1810, when the United States took possession by force.

Spain continued to make grants and concession of lands to persons within the disputed territory until 1810, but both Congress and the courts declared all such grants made after the treaty of Saint Ildefonso

in 1801 actually void. These parties claimed also that the United States were bound to perfect any incomplete titles according to the stipulations of the treaty of cession of the Floridas by Spain February 22, 1819. But Congress and the courts in like manner held that this treaty did not embrace the disputed lands.

After Congress and the courts had been worried more than a half century with these claims, and the mind of Congress being affected with the idea that many of these claims rested upon a well-grounded equity, by the act of June 22, 1860, enlarged the jurisdiction of the courts to cases of *equity* as well as *law*.

Parties came in under this act and had their claims adjudged valid which had been previously adjudged void.

The case of the United States *vs.* Lynd (11 Wallace R., 632) embodies the history of the congressional and judicial proceedings in these cases.

This committee has been unable to perceive any reason why Congress did not extend the provisions of the act of 1860 to private land-claims in the State of Arkansas. To remedy the omission, however, Congress passed the act of 1870, which opened the doors of the Court of Claims to claimants from Arkansas, and within the two years allowed by the act the claimants have all commenced their proceedings, except the Filhiol heirs.

The committee might indulge in some criticisms on the want of due diligence on the part of the Filhiol heirs; but the want of diligence is more apparent than actual.

From necessity their appearance in court must be by attorney. They were timely in the employment of such attorney; but their attorney, as charged by them, was delinquent. Whether this delinquency of the attorney was from accident or design, we do not think ought to be visited upon the claimants as a forfeiture of their rights, whatever they may be.

There have been great embarrassments from the want of proper tribunals to determine the various perplexing questions growing out of private land-claims. The claimants could not be held responsible for the defects of these tribunals. Ancestors have spent their lives pursuing their claims through land-offices, through cabinet-offices, through Congress, and through the inferior and appellate courts without success, and have left their descendants to renew the contest under the disadvantage of loss or weakening of evidence from lapse of time.

After the purchase of the Floridas, in 1819, and the extinction of all the asserted claim of Spain to any part of the territory between the Perdido and Mississippi Rivers, and the extinction of Indian titles, Congress has manifested a liberal disposition by the passage of different remedial acts, (even extending to cases previously adjudicated, as in the Lynd case, 11 Wallace.)

Your committee, keeping in the line of this liberal policy, feel warranted in recommending the passage of the bill. They do so the more readily as the contest is still pending in the Court of Claims, where the rights of all parties may be finally settled by the judgment of the court.

BISMARCK LAND-DISTRICT, DAKOTA.

MARCH 26, 1874.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PHILLIPS, from the Committee on the Public Lands, submitted the following

REPORT :

[To accompany bill H. R. 994.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 994) to establish the Bismarck land-district, in the Territory of Dakota, beg leave to submit the following report :

The bill is necessary for the public business and the interests of the settlers. To this report is appended a letter from the Commissioner of the General Land-Office recommending the passage of the bill.

DEPARTMENT OF THE INTERIOR, GENERAL LAND-OFFICE,
Washington, D. C., March 10, 1874.

SIR: Referring to my letter to you of the 26th ultimo, in regard to bill H. R. 994, to establish the Bismarck land-district, in Dakota, I have to state that, upon examination, I find that the power to discontinue a land-district is vested in the President; consequently, it will not be necessary to include in said bill the clause providing for the discontinuance of the Springfield land-district, as suggested in my letter of the above date.

I would further state that said bill No. 994 meets with my approval, and I therefore recommend that it become a law.

Very respectfully, your obedient servant,

WILLIS DRUMMOND,
Commissioner.

Hon. W. A. PHILLIPS,
House of Representatives.

The committee report the same back, and recommend its passage.

TWO ADDITIONAL LAND-DISTRICTS IN KANSAS.

MARCH 26, 1874.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. PHILLIPS, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 203.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 203) to create two new land-districts in Kansas, have had the same under consideration and make the following report:

This bill is to create two new additional land-districts in Kansas. Each of these will be about one hundred and sixty miles long. There are two railroads running through Kansas from east to west. Each of these traverses the center of one of the proposed districts, thus placing the business of the settlers in the most accessible shape. No arrangement save this can prevent long and expensive overland journeys from being taken. As matters now are, it often costs the settler as much to travel to the land-office with his witnesses and attend center cases, as the whole minimum price of the land.

The creation of these districts entails no expense, as no rents are paid, and the emoluments are from fees, which, when in excess of a certain amount, lapse. These offices should be created solely for the convenience of the settler. The settlement of the country included has just actively commenced, and, from indications, will be mostly taken in the next few years.

Your committee, therefore, report the bill favorably and recommend its passage with the following amendment: Insert after line 11, "and shall, in addition, include the district of land lying in Rice and Reno Counties as at present organized."

ADDITIONAL LAND-DISTRICT IN IDAHO.

MARCH 26, 1874.—Ordered to be printed.

Mr. PHILLIPS, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 1167.]

Your committee, to whom was referred the bill (H. R. No. 1167) to create an additional land-district in the Territory of Idaho, direct me to report the same back to the House adversely.



SALE OF KANSAS INDIAN LANDS.

MARCH 26, 1874.—Recommitted to the Committee on Public Lands and ordered to be printed.

Mr. PHILIPS, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 2665.]

Your committee, to whom was referred Executive Document No. 20, from the Secretary of the Interior, beg leave to report a substitute for the draught of bill contained therein, and recommend its passage.

The bill is to provide for the sale of the remaining lands of the Kansas tribe of Indians. These Indians agreed to dispose of their lands in the vicinity of Council Grove, several years ago, and under former legislation they were partially opened to settlement, and to some extent settled. They were appraised some time ago, but did not sell, as the appraisement was too high, and have not yet been sold. Last season a fresh commission was appointed to re-appraise them, but a question arising as to the legal power to re-appraise without fresh legislation, the matter was referred to the House by the Secretary.

The lands were formerly appraised at from \$4 to \$7 per acre, averaging close upon \$5 per acre, and was much more than the commercial value of the lands.

As the Indians have been removed for some time to a reservation in the Indian Territory, it is indispensable that the matter be disposed of at once.

The bill reported directs the Secretary to inquire into the correctness of the appraisement, and, if it be found to be above its market-value, either to appoint a fresh commission to re-appraise, or to reduce the former appraisement, if that be more economical, not to exceed twenty-five per cent.

Under the recommendation of the Secretary time was given on the payments for four years, and which is increased with the approval of the Commissioner to six years, the land being held to secure payment, and the notes bearing six per cent. interest.

Bond is required to be given to protect the timber until the land is paid for. A letter of the Commissioner, accepting the modification of the substitute, accompanies this report.

Your committee recommend the passage of the bill.

SALE OF KANSAS INDIAN LANDS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 13, 1874.

SIR: I have the honor to acknowledge the receipt of a copy of the draught of a bill submitted to the honorable Secretary of the Interior by this Office, under date of November 26, 1873, providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of sale, and to which you propose certain additions and changes.

In returning the same, I have respectfully to say, that inasmuch as the changes and additions suggested by you do not materially affect the general provisions of the bill recommended by this Office under date above referred to, I shall urge no objection thereto.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. W. A. PHILLIPS,
House of Representatives.

AN ACT providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of sale.

Whereas the Secretary of the Interior, in pursuance of an act approved May 8, 1872, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November 17, 1860, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements; distinguishing between improvements made by members of said Indian tribe, the United States and white settlers;

And whereas said Secretary has also caused to be appraised, in the manner provided for in said act, the diminished reserve of the said Kansas Indians, including lands held in severalty and in common by them, in the manner prescribed by said act: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each bona-fide settler on any of the trust-lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as bona-fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October 24, 1872, be permitted to make payment of the appraised value of their lands to the local land-office at Topeka, Kansas, under such rules as the Commissioner of the General Land-Office may adopt, in four equal annual installments; the first installment payable on the 1st of April, 1874, and the remaining installments payable annually from that time, and drawing interest at six per centum per annum until paid: *Provided*, That each settler on making his first payment shall enter into bond with adequate security, on condition that he will commit no waste by the destruction of timber or otherwise on said land until the last payment is made, and give his notes with adequate security for the deferred payments on the terms aforesaid.

SEC. 2. All the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land-office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers, under such rules and regulations as the Commissioner of the General Land-Office may prescribe. And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One-fourth at the time the entry is made, and the remainder in three equal annual payments, drawing interest at six per cent. per annum, which payments shall be secured by notes payable to the United States, satisfactorily indorsed by responsible parties. And the person making such entry shall also be required to give bond with adequate security to commit no waste, by the destruction of timber, or otherwise, on the premises until final payment for the tract has been made; and the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act: *Provided*, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act,

and all claim or right to re-imbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

SEC. 3. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining, and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, and be held as a fund for their civilization, the interest of which, and the principal, when deemed necessary by the President of the United States, may be used for such purpose.

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ASIATIC COMMERCIAL COMPANY.

MARCH 26, 1874.—Recommended to the Committee on Commerce and ordered to be printed.

Mr. CONGER, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 193.]

The Committee on Commerce, to which was referred a bill to incorporate the Asiatic Commercial Company, respectfully report :

That, having carefully examined the said bill, it has concluded to submit the same with an amendment, (which will be indicated when the House shall be pleased to consider it,) and recommend the adoption of the amendment and the passage of the bill.

The facts relative to this bill, the importance of its enactment, the results which are reasonably expected to inure to the advantage of this country from its passage, are very clearly set forth in a communication addressed to Congress by the proposed incorporators of the said company, and which are here quoted, viz :

A very large part of the trade in Japan is carried on through agents authorized by the government of that country. The principal articles of export are tea, silk, copper, &c., and the trade in these is, to a very large degree, controlled by three English, one French, and one German house, in all five mercantile firms. The most extensive of these is known as a branch of the Oriental Banking Company, London, but whose principal place of business is in Yokohama. Each of these five companies is chartered by its own government, and, in its dealings with the Japanese, acts apparently by authority from home.

For many generations the only external dealings of the Japanese have been through their government officials operating with other governments, and, on that account, there is a natural and firmly-established reluctance on the part of their authorities about dealing with the mere citizens or subjects of other countries. For this reason the Americans there have labored under great disadvantages. Their competition has been with authorized firms, and, so far as it has appeared to the Japanese, it has been with the authorized agents of other countries or governments. So great has been this disadvantage, that the leading American firm in Yokohama has been compelled to admit as head of its house, and principal active partner, an Englishman. This resort was found necessary in order to obtain a reasonable share of the business of that port ; and now the business of American houses in Japan is transacted largely through foreign companies or firms. All exchange is conducted through European cities, and the Americans have no alternative but to submit to the most exorbitant exactions. The advantages which the English, French, and Germans enjoy in being indorsed, as it were, by their respective governments, give them the *entree* into many branches of business, such as building dry-docks, railroads, mining, &c., from which Americans are excluded. Their charter of authority inspires confidence with the Japanese ; without that they would be regarded as mere individual adventurers. The remedy for this evil is sought at the hands of Congress in the passage of the bill incorporating the Asiatic Commercial Company. That bill is believed to be so framed as to divest it of every conceivable objection. It merely incorporates the company, and nothing more is asked of Congress. While it may seem like a simple and almost senseless thing, it must be borne in mind that it is intended to operate solely upon a people who are not quite so

boastful of their civilization as we, but who are, nevertheless, imbued with prejudices of long standing. Though it is of little moment to the United States Government, it is of considerable interest to certain of its citizens who are desirous of being placed on an equal footing with the subjects of other countries. The advantage to the people of this country in general resulting from such a bill will not be inconsiderable, for it will bring trade and business to our shores which now are diverted in other directions. It will put us on a level in that interesting country with the people of Europe, who now occupy a platform far above us. It will relieve all Americans from the humility of being compelled to transact business there through foreign houses exclusively. It will give the Americans (and it is the only thing that it will give them) the superior position in Japan to which they are justly entitled.

In the recent changes that have taken place in the government of Japan, a class of liberal-minded persons have come into power, and it is not too much to assert for them a kindly disposition toward this country, which should not be jeopardized by a failure to pass this simple act. Persons with ample means stand ready to embark in business in that country, the moment the prejudices of that people are overcome, as they would be by the incorporation of this company. Without such indorsement capital cannot be enlisted, and American enterprise will continue to flag in Japan.

An act of incorporation by any one of the United States would not have the same effect, for only the United States Government is known in that distant country. Any act of less authority would be turned into ridicule by the more fortunate but envious English, French, and German houses, who are reaping nearly all the fruits of commerce in these beautiful and rich islands. The rivalry of the United States is much dreaded there by these fortunate Europeans; for it is understood that, upon an equal footing, our merchants would outstrip all opposition. Having the advantage in location, they only need this apparent sanction of their own Government to make them permanently successful.

The thing asked costs the Government nothing; neither will it or can it ever become, in any sense, in the least degree burthensome to our Government. In granting this act of incorporation Congress is proceeding not without precedent. Only five years ago a similar company, to operate in South America, was incorporated by act of Congress. The circumstances in the case of Japan are peculiar, and are not likely ever to arise again.

Mainly by our exertions that country has been opened to the commerce of the world, which had been sealed up to all but one nation for centuries. Other governments, in pursuance of a policy which does not hesitate to conform to the notions of that peculiar people, are reaping the rewards which were fairly won by us. It is believed there is enough of enlightened statesmanship in the United States to prevent a continuation of this, or at least to afford to its citizens the opportunity of frustrating it. The passage of the bill incorporating the Asiatic Commercial Company will assuredly accomplish the desired end. But if it were only an experiment, it certainly could do no harm. It is a matter in which the country at large is hardly less interested than its immediate promoters, and it therefore appeals directly to the patriotism of this country. The influence and prominence of our country with the Japanese is involved in this measure, and that alone should remove all hesitancy about its passage.

The importance of the Asiatic and Japanese trade to this country cannot be wisely overlooked by the Congress of the United States. The bill reported proposes no monopoly. It expressly provides that "Congress shall have power to alter or amend this act at any time."

And then, to save the United States from any possibility or liability on account of its passage, it expressly provides that, "in no event shall the United States be liable to any person, corporation, or foreign power for any matter or thing growing out of the passage of this act."

The case is simply this: Shall citizens of the United States be placed on an equal footing with the citizens and subjects of other countries with respect to the commerce and trade of Asia and Japan?

A passage of this bill will effect this equality. A refusal to pass it surrenders to other nations the trade of that quarter of the globe.

In the Union Pacific and the Central Pacific Railroad of California the Government has now invested over \$60,000,000. The trade of Asia and Japan once secured, will assure the return of this entire investment. The bill reported by the committee well assures this result. It opens the way to the control of the commerce of Asia and Japan. It gives to our citizens the status now occupied by the subjects of other

nations. Equality of national recognition gives to us the full advantage of the present leaning of Asia and Japan toward the United States.

We want the control of the commerce of the Pacific Ocean. This bill is a substantial step toward the accomplishment of that end, and while it commits the United States to no pecuniary liability in any possible event, it gives to the companies chartered the dignity of a national institution.

Beyond this nothing is desired. The good faith of trade which every company or association of individuals would enforce in their own interest is all the guarantee that ought to be guaranteed under this bill.

For the interest of the United States and all parties concerned, we recommend the passage of the bill with the amendment which the House suggested.

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RELIEF OF CERTAIN NAVAL CONTRACTORS.

MARCH 27, 1874.—Recommitted to the Committee on War-Claims and ordered to be printed.

Mr. G. W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 217.]

The Committee on War-Claims, to whom was referred the bill (H. R. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, having considered the same, submit the following report :

By an act of Congress, approved August 3, 1861, the Secretary of the Navy was authorized and directed "to appoint a board of three skillful naval officers to investigate the plans and specifications that may be submitted for the construction or completing of iron or steel clad steamships or steam-batteries, and, on their report, should it be favorable, the Secretary of the Navy will cause one or more armored or iron or steel clad steamships or floating steam-batteries to be built."

Under and pursuant to this law, a board was appointed, consisting of Commodore Joseph Smith, chief of the Bureau of Yards and Docks of the Navy Department; Commodore H. Paulding, then waiting orders; and Capt. Charles H. Davis, superintendent of the Nautical Almanac, who entered upon the work assigned them, and subsequently made a report, a copy of the material parts of which is appended to and made a part of this report, and marked Appendix A.

Afterward, on the 13th day of February, A. D. 1862, the Secretary of the Navy was "authorized and empowered to cause to be constructed, by contract or otherwise as he shall deem best for the public interest, not exceeding twenty iron-clad steam gun-boats for the use of the Navy of the United States," and the sum of \$10,000,000 was appropriated to carry out the provisions of the act.

Under the authority thus conferred, the Secretary of the Navy entered into contracts with divers ship-builders in the different parts of the country for the construction of these vessels. Part of these contracts were made in 1862; others were made in 1863, and some as late as 1864.

The construction of this class of war-vessels was necessarily experimental, as nothing of the kind had ever been attempted or was known to naval warfare prior to the late war of the rebellion. The Government needed such vessels or boats for service on the coast and along the rivers, where the proximity of rebel batteries rendered wooden vessels of little or no value.

The Committee on the Conduct of the War refer to this fact in the following language:

"During the year 1862, the necessity for some light-draught armored vessels for operations on our western rivers and the shallow bays and sounds upon the Atlantic and Gulf coasts became so urgent that the Navy Department determined to provide some for that purpose, if possible.

"Application was made to Mr. John Ericsson, the inventor of the original monitor, for a plan of a light-draught monitor, to carry one turret, and to have a draught of from six to six and a half feet. On the 9th of October, 1862, Mr. Ericsson submitted to the Department a plan, which, to use his own words, *was not intended as a working plan*, yet it defined with clearness and precision the general principle and mode of building the vessel, engines, boilers, and mode of propelling them."

The preparation of calculations and working plans was confided to Chief Engineer Stimers, of the United States Navy. These completed, the Department advertised for proposals, and thereafter, to wit, in the months of March, April, and May, 1862, contracts for the construction of twenty light-draught monitors, upon the plan furnished by the Government, were entered into. The bidders were limited to those who had all the needed preparations for entering upon and prosecuting the work, and it was required that a time should be stated within which the bidders would agree to complete their contracts.

This statement of facts will apply substantially to all the contracts entered into by the Navy Department for the construction of iron-clad vessels, except that the later contracts contained a provision not in the earlier ones, to the effect following:

That the parties of the second part shall have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work, as they may deem necessary and proper, and if said alterations and additions shall cause extra expense to the parties of the first part, they will pay for the same at fair and reasonable rates, and should such changes cause less work and expense to the parties of the first part, a corresponding reduction to be made from the contract-price, and in each case the cost of the alterations to be determined when the changes are directed to be made.

It turned out that the plans and specifications of the Navy Department were in whole or in part worthless, in consequence of which it became necessary to make radical changes in the plans and method of construction.

Mr. Stimers himself says, in speaking of one of the contracts, "Acts, therefore, which I performed which affected Mr. Bestor, and affect his case, were to direct him to make a different vessel from the one we contracted to do."

What is true of this particular case is also true of all the cases covered by the aforesaid bill. The naval officers and engineers doubtless did the best they could. The simple truth is, they did not know, and could not know, what would be the result of their endeavors. The effort was, as we have said, an experiment—just as much an experiment as the trials made with the Dahlgren and Wiard guns, upon which vast sums of money were expended.

The parties making these contracts were not acting on plans and specifications of their own; they were essaying to carry out the plans of the Government, and this under the supervision of an engineer of the

Navy Department. They did not, therefore, occupy the attitude of parties who had procured contracts from the Government on plans and propositions submitted by themselves upon the implied understanding that the work would prove a success.

The changes made by the Navy Department necessarily occasioned delay in the execution of the contracts, during which a large advance occurred in the cost of all or nearly all the materials used and in the value of labor required for the completion of the contracts.

Certain allowances were made to these contractors by the Navy Department, but it is claimed that these allowances were predicated in every instance on the scale of prices embraced in the several contracts, the Department not feeling authorized to go any further than that in affording relief; and that, in point of fact, no compensation has been made for losses growing out of the large advance in the cost of materials and labor, and the fair rental-value of the premises and machinery of the contractors, which remained idle and entirely unavailable while awaiting the orders of the Navy Department.

These constitute, as it is understood, the items on which these claims are predicated. The ground of these claims may be rendered plainer, perhaps, by statement in another form.

When the contracts were entered into iron was worth, say, \$65 per ton, and skilled labor, say, \$2.50 per day. Pending the delays caused by the officers of the Government, changing and rechanging the plans, iron advanced to \$220 per ton and labor to \$4 per day.

It is claimed that the allowance made by the Department for additional iron and labor was limited to the scale of prices first mentioned, and that no allowance was made for increase in cost of materials and labor, or for the use of yards, shops, machinery, &c., while idle and unemployed.

If so, then it would seem clear that the parties have a just and meritorious claim upon the Government for relief, but it is not necessary to decide that.

The bill under consideration does not decide that. It only provides that these parties may go into the Court of Claims, a court eminently qualified to make the investigation, and to see that no wrong is practiced upon the Government, and have these matters judicially and fairly investigated and determined, subject to the right of appeal to the Supreme Court of the United States. There the evidence, pro and con, can be submitted, and the several claims left to abide the result. It seems to us the Government can do no less. If the parties have an honest and meritorious demand, they should have the right to show it; if not, let it be so adjudged, and the controversy ended.

We ought not, perhaps, to close this report without stating that some of this class of claimants have already received specific relief by act of Congress, and that the action of Congress and the committees of each branch of Congress has been uniformly and without exception favorable to the principles of this bill.

In this connection we may be pardoned for a brief statement on this behalf.

On the 9th of March, 1865, the Senate adopted the following resolution:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered.

Under the foregoing resolution the Secretary of the Navy organized a board of naval officers, known as the Selfridge board, which convened at the navy-yard in New York June 5, 1865, and thoroughly investigated the whole subject, concluding their examination, after seven months session, when they made report thereof to the Secretary of the Navy.

The Senate Committee on Naval Affairs of the Thirty-ninth Congress reported a bill which adopted in full the awards of the Selfridge board as a basis of relief. The Senate, after long discussion, adopted an amendment paying all contractors 12 per cent. over and above their contract price. The House Committee on Claims unanimously rejected this Senate bill upon the ground that, while certain of these contractors would receive the amount claimed, and in some cases more, other contractors would receive less than the amount of their losses, and that, consequently, the Senate bill was not an equitable basis of relief.

It therefore reported a substitute for the Senate bill and a conference committee finally agreed upon a bill which became the act of March 2, 1867.

That act directed the Secretary of the Navy to investigate the claims of all contractors for building vessels of war and steam machinery under contracts made after May 1, 1861, and before January 1, 1864, upon the following basis:

He was to ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract; but no allowance for any advance in the price of labor or material was to be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then, only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from such additional cost, to be ascertained as aforesaid, was to be deducted the sum previously paid each contractor for any reason, over and above the contract price.

Under that act the Secretary of the Navy convened the "Marchand board," which held its sessions in Washington. It reviewed the report and evidence before the "Selfredge board" without, however, permitting the contractors to be heard in their own behalf, or to rebut the adverse testimony or report of any Government official.

Had this "Marchand board" conducted such an inquiry as was in our judgment contemplated by that act and according to the well-settled and established principles of law governing such investigations, a settlement of this matter would doubtless have been reached, equitable alike to the Government and these claimants, and Congress thereby relieved of the trouble and expense of subsequent investigations by various committees.

Pursuing the investigation in the manner which the "Marchand board" prescribed for itself, awards were made to but seven of the forty-nine claimants, and these were paid under the act of July 13, 1868.

A bill passed the Forty-first Congress for the relief of these claimants, which was properly vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867.

The bill reported by your committee as amended obviates the objections raised to that bill, and simply authorizes a judicial investigation, upon the basis of the act of March 2, 1867.

In the Forty-second Congress these cases were again considered by

committees of both Houses and received favorable action, the House Committee on Claims reporting upon each case separately, instead of making provision for all by a general bill.

Seven of these cases passed the House in the latter part of the Third session, one only passing the Senate and becoming a law, and that case is now under investigation by the Court of Claims.

The last Congress also passed a bill to pay the heirs of George C. Bestor, of Illinois, the sum of \$125,000, "for extra work done, delays, and damages and expenses caused by such delays, on the part of the Navy Department, in the completion of his contract for the construction of an iron-clad steam-battery," (see vol. 17, Statutes at Large, page 733,) and as illustrating the narrow scope of investigation to which the "Marchand Board" held it was restricted, it may be stated that it awarded Mr. Bestor, whose claim was before it, nothing.

The committee, therefore, report back the bill with the following amendment, "*Provided*, That this act shall not be construed to apply to the claims of Secor & Co., Perrine, Secor & Co., Harrison Loring, Miles Greenwood, and George C. Bestor, who have already received specific relief by act of Congress," and, as thus amended, recommend its passage.

APPENDIX A.

"Distrustful of our ability to discharge this duty, which the law requires should be performed by three skillful naval officers, we approach the subject with diffidence, having no experience and but scanty knowledge in this branch of naval architecture.

"The plans submitted are so various, and in many respects so entirely dissimilar, that without a more thorough knowledge of this mode of construction and the resisting properties of iron than we possess, it is very likely that some of our conclusions may prove erroneous.

"The construction of iron-clad steamships of war is now zealously claiming the attention of foreign naval powers. France led off; England followed, and is now (September 16, 1861) somewhat extensively engaged in the system; and other powers seem to emulate their example, though on a smaller scale. Opinions differ among naval and scientific men as to the policy of adopting the iron armature for ships of war. For coast and harbor defense they are undoubtedly formidable adjuncts to fortifications on land. As cruising vessels, however, we are skeptical as to their advantages and ultimate adoption. But while other nations are endeavoring to perfect them, we must not remain idle. The enormous load of iron, as so much additional weight to the vessel, the great breadth of beam necessary to give her stability, the short supply of coal she will be able to stow in bunkers, the greater power required to propel her, and the largely increased cost of construction, are objections to this class of vessels as cruisers, which, we believe, it is difficult successfully to overcome. For river and harbor services we consider iron-clad vessels of light draught, or floating batteries thus shielded, as very important; and we feel at this moment the necessity of them on some of our rivers and inlets to enforce obedience to the laws. We, however, do not hesitate to express the opinion, notwithstanding all we have heard or seen written on the subject, that no ship or floating battery, however heavily she may be plated, can cope successfully with a properly constructed fortification of masonry. The one is fixed and immovable, and though constructed of a material which may be shattered by shot, can be covered, if need be, by the same or much heavier armor

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than a floating vessel can bear, while the other is subject to disturbances by winds and waves, and to the powerful effects of tides and currents.

"Armored ships or batteries may be employed advantageously to pass fortifications on land for ulterior objects of attack, to run a blockade, or to reduce temporary batteries on the shores of rivers and the approaches to our harbors.

"Wooden ships may be said to be but coffins for their crews when brought in contact with iron-clad vessels, but the speed of the former, we take for granted, being greater than that of the latter, they can readily choose their position, and keep out of harm's way entirely.

"It has been suggested that the most ready mode of obtaining an iron-clad ship of war would be to contract with responsible parties in England for its complete construction; and we are assured that parties there are ready to engage in such an enterprise on terms more reasonable, perhaps, than such vessels could be built in this country, having much greater experience and facilities than we possess. Indeed, we are informed there are no mills or machinery in this country capable of rolling iron $4\frac{1}{2}$ inches thick, though plates might be hammered to that thickness in many of our work-shops. As before observed, rolled iron is considered much the best, and the difficulty of rolling it increases rapidly with the increase of thickness. It has, however, occurred to us that a difficulty might arise with the British government in case we should undertake to construct ships of war in that country, which might complicate their delivery; and, moreover, we are of opinion that every people or nation who can maintain a navy should be capable of constructing it themselves.

"Our immediate demands seem to require, first, so far as practicable, vessels invulnerable to shot, of light draught of water, to penetrate our shoal harbors, rivers, and bayous. We, therefore, favor the construction of this class of vessels before going into a more perfect system of large iron-clad sea-going vessels of war. We are here met with the difficulty of encumbering small vessels with armor, which, from their size, they are unable to bear. We nevertheless recommend that contracts be made with responsible parties for the construction of one or more iron-clad vessels or batteries of as light a draught of water as practicable, consistent with their weight of armor. Meanwhile, availing of the experience thus obtained; and the improvements which we believe are yet to be made by other naval powers in building iron-clad ships, we would advise the construction, in our own dock-yards, of one or more of these vessels upon a large and more perfect scale, when Congress shall see fit to authorize it. The amount now appropriated is not sufficient to build both classes of vessels to any great extent."

VIEWS OF THE MINORITY.

Messrs. Lawrence, Holman, James Wilson, and A. Herr Smith, from the Committee on War-Claims, to whom was referred bill (H. R. 217) for the relief of certain contractors for the construction of vessels of war and steam-machinery, submit the following as the views of the minority :

The execution and completion of the several contracts for the construction of the vessels and machinery referred to in the pending bill covers a period extending from the 16th day of May, 1862, to the 3d day of February, 1865.

It appears that while the contracts in each case provided for the payment of a specific sum of money to the contractors by the United States, modifications were subsequently made of the plans of construction of the several works, which in some degree delayed the completion of the contracts and the cost of the work, and the duty devolved on the Government not only to pay the original sum stipulated for in each contract, but such additional sum as the contractors should be fairly entitled to in consequence of such modifications. These contracts were made under the laws by the Secretary of the Navy, were to be fulfilled under the supervision and inspection of the Navy Department, and upon that Department, from the nature of the contracts, the experience and the intimate knowledge of its officers in the details of the work, and their constant supervision of its execution, devolved the duty of adjusting the claims of these contractors upon the Government, on the completion of their contracts.

The undersigned find that each of these contractors submitted to the Secretary of the Navy claims for extra compensation for the work done by them in fulfilling these contracts; that upon each contract an extra compensation was allowed by the Secretary of the Navy, less, however, than the amount claimed, and that the original sum stipulated for in each contract and the additional sum which the Secretary of the Navy decided each of the contractors entitled to was paid by the Department to the respective contractors and was received by them.

The aggregate sum contracted to be paid to these several parties for the vessels and machinery, the contracts for the construction of which are covered by the pending bill, is the sum of \$14,201,000, and the aggregate of the extra sums allowed by the Secretary of the Navy on these contracts is the sum of \$5,302,847.91.

These parties now ask the passage of an act to confer upon the Court of Claims jurisdiction to open up and readjust their respective claims for extra compensation under these contracts.

The undersigned believe that common justice to the whole people requires that the jurisdiction of a tribunal organized to determine questions of law or fact between citizens and their Government should be uniform and equally applicable to all; and that if exceptions should be allowed to this general rule it should be to enable the citizen and the Government to obtain the legal interpretation of an ambiguous contract or the determination of questions of fact and of law where the subject-matter

was not within the immediate supervision of either of the Departments of the Government. The contracts involved in this inquiry are clear and specific, and the facts connected with the execution of each contract your committee find were in detail before the Navy Department, when the claims for the extra allowances were considered by the Secretary of the Navy and the extra allowances made. Each contract was under the supervision of an agent of the Department who made bi-weekly reports on the progress of the work to the Department.

The undersigned are impressed with the belief that, under ordinary circumstances, a Department of Government is the proper tribunal to adjust the claims of citizens growing out of contracts made through such Department in matters which by law are placed under its control, and for which its chief and his subordinates are held responsible. With this view and to aid in securing justice, alike to the citizen and the Government, the Department of Justice is charged with the duty of advising the heads of the other Departments touching the law. In the determination of such matters, a Department of the Government has the same motive for good faith and impartiality that should actuate a court of justice.

On account of the magnitude of these transactions, after the adjustment of these claims by the Navy Department, Congress thought proper to require a re-examination of them by the Secretary of the Navy, and passed the following act which was approved on the 2d day of March, 1867 :

AN ACT for the relief of certain contractors for the construction of vessels of war and steam-machinery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to investigate the claims of all contractors for building vessels of war and steam-machinery for the same under contracts made after the first day of May, 1861, and prior to the first day of January, 1864, and said investigation to be made upon the following basis : He shall ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes or alterations in the plans and specifications required and delays in the prosecution of the work occasioned by the Government, which were not provided for in the original contract ; but no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor ; and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price ; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price : *Provided,* That the Secretary of the Navy, under the resolution, shall investigate the claim of W. H. Webb for constructing the steamer Dunderberg, applying the provisions of this resolution in such investigation, except that proper consideration shall be given to the increased cost incurred by said Webb by reason of any alteration in the plans and specifications for the Dunderberg made during the progress of the work, whether such alterations were provided for in the original contract or not, when payment for the same was not embraced in the contract price.

Approved March 2, 1867.

To carry this act into effect the Secretary of the Navy, on the 6th of July, 1867, appointed a board consisting of three officers of the Navy, including its chief engineer.

These claims were before the board in *detail*, as also such information

as the records of the Department furnished, including correspondence and the reports made from time to time to the Department by its agent charged with the superintendence of each work of the progress of the same. One member of the board at least was personally familiar with the facts involved in these inquiries by reason of his official relations with the execution of the several contracts.

The important inquiry, being the same raised in the first instance and on which the extra allowances had been made, was "what was the increased cost of the vessel or machinery *caused by the action of the Government?*" This was clearly the proper inquiry. These parties were certainly entitled to demand and receive from the Government the contract price for their vessels and machinery, and any increase of the cost to them of the vessels or machinery occasioned by the action of the Government, the Government was bound to pay. This was the real inquiry which the act of March 2, 1867, directed the Secretary of the Navy to make. It furnished the basis on which the Secretary of the Navy had in the first instance allowed and paid the extra compensation to the amount of \$5,302,847.91.

This board made their report, which was transmitted to Congress by the Secretary of the Navy, and which is embodied in the following table :

Letter of the Secretary of the Navy, communicating report of the board appointed July 6, 1867, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867.

DECEMBER 4, 1867.—Read, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT,
December 4, 1867.

SIR: An act of Congress approved on the 2d of March last directs the Secretary of the Navy "to investigate the claims of all contractors for building vessels of war and steam-machinery for the same, under contracts made after the first day of May, eighteen hundred and sixty-one, and prior to the first day of January, eighteen hundred and sixty-four," and to "report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government aforesaid, and the amount already paid the contractor over and above the contract price."

To comply with the requirements of this act, it became necessary to convene a board of officers for the examination of the several claims presented. Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster, were assigned to this duty, and their report is herewith transmitted.

I have the honor to be, very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. BENJ. F. WADE,
President of the Senate pro tempore.

NAVY DEPARTMENT,
November 26, 1867.

SIR: We have the honor to report that, in obedience to your order of July 6, 1867, we have carefully scrutinized each of the claims presented under the act of Congress approved March 2, 1867, "to investigate the claims of certain contractors for building vessels of war and steam-machinery," and respectfully beg leave to inclose, herewith, the tabular statement called for by said act of Congress.

Messrs Harlan & Hollingsworth, of Wilmington, Del., did not present a statement of their claim for delays occasioned by the Government while constructing the harbor

and river monitor Saugus and light-draught monitor Napa; but, in a letter to you, under date of October 12, they claim to be entitled to the same sum for the Saugus that the board may award to the Tecumseh, and also to the same sum in case of the Napa that may be awarded to the Casco.

After examination, the board finds that Messrs. Harlan & Hollingsworth are entitled for the Saugus to the same sum that was awarded to Mr. Harrison Loring in case of the Canonicus, viz, \$33,513, but do not find anything due in case of the Napa.

We have the honor, sir, to be, very respectfully, your obedient servants,

J. B. MARCHAND,
Commodore and President.

J. W. KING,
Chief Engineer and Member.

EDWARD FOSTER,
Paymaster and Member

Hon. GIDEON WELLES,
Secretary of the Treasury.

Tabular statement showing the result of the action of the board appointed July 6, 1867, by the honorable Secretary of the Navy, to "examine the claims of certain contractors for the construction of vessels of war and steam-machinery," under act of Congress approved March 2, 1867.

Name of contractor.	Description of work.	Contract-price.	Whole increased cost of the work over the contract price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract-price (obtained from the bureau).
Secor & Co. and Perine, Secor & Co.	River and harbor monitors Manhattan, Tecumseh, and Mahopac	\$1,380,000 00	\$1,236,101 22	\$115,530 01	\$521,195 58
Alexander Swift & Co.	River and harbor monitors Oneota and Catawba	980,000 00	685,757 22	None.	392,849 08
Snowden & Mason.	River and harbor monitor Manayunk	480,000 00	389,095 00	None.	166,582 24
Wiles Greenwood	River and harbor monitor Tippecanoe	460,000 00	349,435 33	None.	173,387 84
Harrison Loring	River and harbor monitor Canonicus	460,000 00	267,709 40	38,513 00	192,963 22
J. R. & W. Cornell	Turrets, &c. Miantonomoh and Tanawanda	252,050 00	461,777 72	None.	292,657 93
Atlantic Works, Boston	Turrets, &c. Miantonomoh and Agamenticus	205,000 00	437,323 64	None.	690,322 18
Charles W. Whitney	Iron-clad Kankakee*				
Snowden & Mason	Light-draught monitor Unpqua	395,000 00	346,457 46	None.	166,582 24
Merrick & Sons	Light-draught monitor Yazoo.	395,000 00	274,676 14	None.	175,795 19
Wilcox & Whiting	Light-draught monitor Koka	386,000 00	395,495 21	None.	165,638 53
Donald McKay	Light-draught monitor Natick	395,000 00	314,768 93	None.	194,110 98
William Ferrie	Light-draught monitor Nubac	395,000 00	297,470 93	None.	197,440 00
George C. Bestor	Light-draught monitor Wicawac	395,000 00	321,360 91	None.	198,587 32
A. & W. Demmead & Sons	Light-draught monitor Shiloh	396,000 00	364,073 55	None.	207,311 00
Atlantic Works, Boston	Light-draught monitor Shawnee	395,000 00	274,067 78	4,632 58	198,769 57
Curtis & Tilden	Light-draught monitor Etah	396,000 00	393,138 90	None.	198,319 70
McKay & Aldus	Light-draught monitor Squando	395,000 00	364,073 55	None.	207,311 00
George W. Lawrence	Light-draught monitor Wicawac	395,000 00	327,380 46	None.	194,535 70
Aquila Adams	Light-draught monitor Klamath and Runa	395,000 00	910,080 62	4,632 58	169,815 37
Alexander Swift & Co.	Light-draught monitors Klamath and Runa	780,000 00	678,446 24	None.	415,970 68
M. F. Merritt	Light-draught monitor Colobes	395,000 00	416,735 69	4,632 58	901,969 98
J. O. Underhill	Light-draught monitor Modoc	395,000 00	314,453 72	None.	197,689 34
Tomlinson, Hartuppee & Co.	River monitors Sandusky and Marietta	275,000 00	314,450 36	15,171 00	164,079 14
Donald McKay	Iron double-ended Ahnloot.	275,000 00	21,547 50	None.	524,415 02
T. F. Rowland	Iron double-ended Muscoda	275,000 00	71,565 91	None.	524,415 02
Zeno Secor	Iron double-ended Molongo.	275,000 00	84,144 13	None.	34,883 23
Harrison Loring	Iron double-ended Winnipeg.	275,000 00	70,443 16	None.	52,132 24
Paul Curtis	Wooden double-ended Ahicopee.	150,000 00	20,282 86	None.	3,739 63
George W. Lawrence	Wooden double-enders Agawam and Pontoonuc	75,000 00	50,987 93	None.	10,377 00
Larabee & Allen	Wooden double-ended Iowee.	75,000 00	53,914 90	None.	7,366 68

* Not considered as within the province of the board.

RELIEF OF CERTAIN NAVAL CONTRACTORS.

Tabular statement showing the result of the action of the board appointed July 6, 1867, &c.—Continued.

Name of contractor.	Description of work.	Contract-price.	Whole increased cost of the work over the contract-price, as claimed by the contractors.	Amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due.	Amount already paid the contractors over and above the contract-price. (Obtained from the bureau.)
Edward Lupton	Wooden double-end-er Lonapee	\$75,000 00	\$70,493 94	None.	\$5,923 48
Daniel S. Merahou, jr	Wooden double-end-er Mingo	75,000 00	31,583 34	None.	None.
J. J. Abrahams	Wooden double-end-er Eutaw	75,000 00	17,412 66	None.	200 00
Curtis & Tilden	Wooden double-end-er Massasoit	75,000 00	17,398 82	None.	4,918 41
Daniel S. Merahou, jr	Wooden double-end-er Cimarron*	100,000 00	90,758 79	None.	57 00
Thomas Slack	Wooden double-end-er Port Royal	75,000 00	20,377 49	None.	3,723 30
A. & G. T. Sampson	Wooden double-end-er Matabesett	75,000 00	16,225 63	None.	4,485 41
Curtis & Tilden	Wooden double-end-er Oacola	75,000 00	95,398 71	None.	4,631 53
F. Z. Tucker	Wooden double-end-er Mendota	75,000 00	97,769 80	None.	4,081 27
Thomas Slack	Wooden double-end-er Metacombet	75,000 00	19,969 98	None.	3,598 17
J. Simonson	Wooden double-end-er Chenango	400,000 00	30,508 02	None.	14,149 27
Globe Works, Boston	Steam-machinery of ship Guerriere	128,000 00	47,773 22	None.	5,142 22
William Ferrie	Iron tug Triana	80,500 00	31,049 88	None.	943 89
Do.	Iron tug Maria	82,000 00	11,844 96	None.	8,404 57
Poole & Hunt	Machinery of wooden double-end-er Mackinaw	82,000 00	97,518 57	\$3,694 81	
J. P. Morris, Towne & Co	Machinery of wooden double-end-er Tacony	82,000 00	97,518 57	None.	
Total .....	.....	14,201,000 00	10,184,592 50	157,475 55	5,302,847 91

* Not considered as within the province of the board.

J. E. MARCHAND,
Commodore and President of Board.
J. W. KING,
Chief Engineer and Member of Board.
EDWARD FOSTER,
Paymaster and Member of Board.

NAVY DEPARTMENT, Washington, D. C., November 26, 1867.

It will be seen that this board found that there was no increase of the cost of constructing the vessels and machinery involved in this inquiry occasioned by the action of the Government, except in seven instances, and Congress in the passage of the act entitled "An act for the relief of certain Government contractors," approved July 13, 1868, (Statutes at Large, vol. 15, page 379,) seems to have ratified the action of the board.

It is proper that the undersigned should bring, in this connection, to the attention of the House the fact that prior to the passage of the act of March 2, 1867, under which the said board was organized, the Senate had on the 9th of March, 1865, passed the following resolution, viz:

Resolved, That the Secretary of the Navy be requested to organize a board of not less than three competent persons, whose duty it shall be to inquire into and determine how much the vessels of war and steam-machinery contracted for by the Department in the years 1862 and 1863 cost the contractors over and above the contract-price and allowance for extra work, and report the same to the Senate at its next session. None but those that have given satisfaction to the Department to be considered.

Under this resolution of the Senate a board of three officers of the Navy, including its chief engineer, was appointed, whose action is embodied in the following tables submitted with their report, viz:

DECEMBER 23, 1865—10 o'clock a. m.

The board met pursuant to adjournment: all the members present.

The proceedings of yesterday were read over.

The board, after a critical examination of the bills of cost presented by the several contractors for vessels and steam-machinery contracted for in the years 1862 and 1863, who have appeared and made sworn statements, has determined the excess of cost in the several cases, over and above the contract-price and allowance for extra work, to be as follows:

DOUBLE-ENDERS, WOODEN HULLS.

Name of vessel.	Contractor.	Excess of cost determined by board.
Iosco.....	Larrabee & Allen.....	\$11,708 97
Agawam.....	G. W. Lawrence.....	8,610 77
Pontoosuc.....	do.....	8,610 77
Massasoit.....	Curtis & Tilden.....	4,128 29
Osceola.....	do.....	4,128 29
Chickopee.....	Paul Curtis.....	4,128 39
Mattabesett.....	A. & G. S. Sampson.....	4,015 38
Metacombet.....	Thomas Stack & Co.....	16,351 36
Chenango.....	J. Simonsen.....	16,441 81
Lenapee.....	Ed. Lupton.....	18,576 52
Mendota.....	F. Z. Tucker.....	14,473 84
Mingoe.....	D. S. Mershon.....	11,500 00
Wyalusing.....	C. H. & W. M. Cramp.....	3,831 93
Entaw.....	J. J. Abrahams.....	12,576 10
Pontiac.....	Hillman & Streaker.....	5,041 22
	Total.....	144,123 84

WOODEN DOUBLE-ENDERS—MACHINERY.

Name of vessel.	Contractor.	Excess of cost determined by board.
Iosco	Globe Works	\$29,789 00
Massasoit	do	29,788 99
Agawam	Portland Locomotive Company	40,433 73
Pontoosuc	do	40,433 73
Mattabesett	Allaire Works	25,119 07
Shamrock	do	25,119 06
Chickopee	Neptune Works	20,331 81
Tallapoosa	do	20,331 80
Ascutney	Morgan Works	25,826 34
Chenango	do	25,826 33
Otsego	Fulton Works	22,386 61
Metacomet	South Brooklyn Works	30,617 75
Mendota	do	30,617 75
Lenapee	Washington Works	29,161 24
Mingoe	Posey, Jones & Co	5,817 38
Wyalusing	do	5,817 37
Pontiac	Neafie & Levy	22,434 50
Mackinaw	Poole & Hunt	44,015 84
Osceola	Atlantic Works	20,513 73
Sassacus	do	20,513 72
Peoria	Etna Works	61,752 51
Pawtuxet	Gardner & Lake	38,325 74
	Total	614,974 91

IRON DOUBLE-ENDERS—HULL AND MACHINERY.

Suwanee	Reany, Son & Archbold	\$28,974 18
Wateree	do	34,161 63
Shamokin	do	33,992 97
Muscoota	T. F. Rowland	82,460 95
Winnipeg	Harrison Loring	63,715 41
Mohongo	Zeno Secor & Co	113,543 78
	Total	356,848 92

IRON-CLAD—MACHINERY.

Miantonomah	Novelty Works	\$35,832 04
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IRON TUG-BOATS—HULL AND MACHINERY.

Pilgrim	Posey, Jones & Co	\$4,793 38
Triana	William Perine	52,472 81
Maria	do	43,586 98
	Total	100,853 17

IRON-CLAD PROPELLERS—HULL AND MACHINERY.

Milwaukee	James B. Eads	\$30,438 84
Winnebago	do	29,174 20
	Total	59,613 04

IRON-CLAD—HULL AND MACHINERY.

Name of vessel.	Contractor.	Excess of cost determined by board.
Onondaga	G. W. Quintard	\$85,203 91

HARBOR AND RIVER MONITORS—HULL AND MACHINERY.

Tecumseh	Z. & F. Secor	\$119,020 57
Mahopac	do	119,020 57
Manhattan	W. Perine, Z. F. Secor	119,020 57
Catawba	Alex. Swift & Co	114,009 94
Oneota	do	114,009 94
Manayunk	Snowden & Mason	71,569 42
	Total	656,651 01

LIGHT-DRAUGHT MONITOR—HULL AND MACHINERY.

Naubuck	William Perine	\$36,533 44
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Comanche.—Donahue, Ryan & Secor, \$179,993.80.

In the case of the Comanche there is an additional sum of \$96,550 now in the courts, which the contractors consider as a part of the cost of the vessel, but which the board have not embraced in their award.

All of which is respectfully submitted.

THOS. O. SELFIDGE,
Commodore and President of Board.
MONTGOMERY FLETCHER,
Chief Engineer.
CHAS H. ELDREDGE,
Paymaster.

HON. GIDEON WELLS,
Secretary of the Navy.

It will be observed that this resolution, under which this board was organized, required the board "to inquire into and determine how much the vessels of war and steam-machinery" cost "the contractors over and above the contract price and allowances for extra work."

The undersigned submit that the information and conclusions furnished on this basis were of no practical value; and that for that reason the true and just basis of adjustment was laid down by the act of March 2, 1867, viz, "the increased cost occasioned by the action of the Government."

To indicate the nature of the inquiry under the Senate resolution, the committee submit all the testimony taken by this board, as reported by them, touching certain of these claims, viz :

Appeared before the board Gustavus Ricker, resident of Cincinnati, Ohio, and authorized agent of Alexander Swift & Co. and the Niles Works, on the part of said firm and works, contractors for the harbor and river monitors Catawba and Oneota. Under oath states, that the contracts for these vessels were dated by the Navy Department,

respectively, September 15, 1862, and October 13, 1862, in which they were allowed six (6) months from the date of contract to complete and deliver them to the Government; but they were not so completed and delivered until on or about the 1st of June, 1865. This delay was caused by alterations being made by order of the Department and the scarcity of labor. The excess of cost is accounted for in being obliged to raise the vessels eighteen inches, extensive alterations in turrets, and increased size of boilers over stipulations of contract; that the total cost, including bill for extra work paid in full by the Government, viz, \$322,849, was \$1,470,868.88; that the contract-price paid for both vessels was \$920,000; received for extra work, \$332,849; total received, \$1,242,849—leaving a balance, the excess of cost to them over and above the contract-price, of \$228,019.88; that there is no charge in the bill (annexed to this record, marked No. 26) for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material.

Appeared before the board Zeno Secor, one of the firm of Secor & Company, and Perine, Secor & Company, contractors for the iron-clads Mahopac, Tecumseh, and Manhattan; and also appeared James F. Secor, employé of said firms. Under oath they state that the contracts for these vessels were dated by the Navy Department September 1, 1862, in which they were allowed six (6) months, or until March 1, 1863, to complete and deliver them to the Government, but the Tecumseh was not so completed and delivered until March 28, 1864; the Manhattan until May 23, 1864, and the Mahopac until August 20, 1864. The cause of this delay was owing to alterations and additions to original specifications required by the Department. That the total cost of hull and machinery, including bills of extra work, was \$2,270,447.63; received from the Department on contract-price, \$1,371,836.55; reserved by Government on contract, for patent fees, \$8,163.45; received for extra work, \$516,218.41; total amount received, \$1,882,054.96; leaving a balance, excess of cost to them over and above contract-price, of \$382,392.67. That the excess of cost over and above contract-price is mainly due to alterations and additions made, and the rise in price of material and labor. That there is no charge in the bills annexed to this record, marked No. 33, for any condemned material or faulty workmanship, and that it shows the actual cost of labor and material.

The undersigned have not deemed it necessary to inquire whether on the one hand these contracts, as finally executed and fulfilled, were of value to the Government, or on the other whether, independent of the action of the Government, the contracts resulted in loss to the contractors. While it is to be regretted that any enterprise involving the industry of the country, whether entered upon under contract with the Government, or otherwise, should result in loss, the undersigned are of the opinion that the Government, like other contracting parties, should only be expected to carry out its contracts in good faith, and your committee submit that this rule is imperatively demanded by a sound public policy. They further submit that, while to enforce contracts against itself, it was clearly the part of a wise and just government to open to its citizens a tribunal of justice, at the same time a law of limitation of actions—a statute of repose, such as would be deemed reasonable as between citizens—should, for obvious reasons, be applied in behalf of the Government.

Among the reasons, therefore, against these claims, are the following:

I. These claimants have already been heard, their demands investigated again and again by the officers authorized by law, in the mode prescribed when their claims originated, and since, in pursuance of a special act of Congress in their favor, in the mode which they accepted.

The awards made in their favor cannot be disregarded and new demands sanctioned without impeaching the intelligence, fidelity, or justice of the officers who have already passed on these claims.

II. These contractors and claimants are men of more than ordinary intelligence and business capacity. They had a right by law to sue in the Court of Claims, when all the facts could be readily ascertained. They did not do so. Now, Government officers who may be presumed to have had full knowledge of the facts, have in part died, or gone out of office, or are no longer accessible, or have forgotten many facts which

may be material to protect the Government. Where this is the case, there is much more reason and justice for saying claims barred by the statute of limitations should remain barred, than in actions between living, individual persons, whose interests will more certainly secure the memory and evidence of material facts better than in the case of a Government whose officers are too frequently changing. And it cannot be denied that there is a vigilance in watching private interests which is rarely ever secured for the Government.

These claims are barred by the statute of limitations, and now to open them up to a suit will put the Government at a great disadvantage and give the claimants a great advantage.

III. These intelligent claimants, with a full knowledge of their rights, not only declined to sue the United States when they had a right to do so, but they actually settled all disputed matters with the proper officers and gave a receipt in full to the United States of all the claims which they now seek to recover.

Congress should be just, but it has no right to surrender the rights of the United States, violate the limitation laws made for the protection of the people and to secure the ends of justice, and tax the whole public to pay stale claims, the payment of which no law sanctions, and full satisfaction of which has already been acknowledged.

IV. If a special privilege is now given to these claimants to sue the United States it will invite a multitude of other claims, and great injustice may and doubtless will be done to the Government. There should be an end to all demands of this kind. Claims should not be immortal while men are only mortal in this sphere of action.

V. In the case of *Choteau vs. The United States*, decided in the Court of Claims, involving a claim in one of the so-called "iron-clad claims," the court has already decided against the claimant.

There are other considerations against some of the claims which may be worthy of consideration, but it seems to us enough has already been said to show that the claimants have no rightful demand on the Government.

The undersigned, therefore, after a very careful examination of all the facts, are of opinion that the bill should not pass, and recommend its indefinite postponement.

Respectfully submitted.

WM. LAWRENCE.
WM. S. HOLMAN.
JAMES WILSON.

MARTIN LAFFIN.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany bill H. R. 1145.]

The Committee on Invalid Pensions, to whom was referred the petition of Martin Laffin, late a private in Company B, Ninetieth Regiment Illinois Volunteers, having considered the same, make the following report :

The claimant in his petition, under oath, says that previous to his enlisting in the United States service was sound in bodily health, and had never been afflicted with rheumatism or rheumatic complaint until after he entered the service; that he is unable to furnish medical evidence in support of this allegation, for the reason that he had never been sufficiently out of health to require the attendance of a physician previous to enlistment; that he has made diligent inquiry, but is unable to obtain the address of either the late surgeon or assistant surgeon of the regiment in which he served in order to avail himself of their evidence in support of his claim.

Dr. N. P. Strong, examining surgeon, in his examination of the claimant July 2, 1873, describes his condition as follows :

“Had flesh-wound of left hip and shoulder, of right shin and under right eye. By reason of the wound the sight of the eye has been considerably impaired, and the wound of the muscles of the shoulder has produced troublesome rheumatism about the joint. Aside from these, the wounds do not disable him seriously. Has rheumatism about the hips and back mostly, which disable him from manual labor a portion of the time. Disability by rheumatism, one-half; by loss of sight, one-fourth.”

The sworn testimony of Philip Keeley and Thomas Savage shows that they were personally acquainted with the claimant for eighteen years and more prior to his enlistment, and that said claimant was always a man of sound bodily health up to the time of his going into the service, so far as known to them, and that from their intimate acquaintance with him would have known it had the contrary been the case.

M. W. Murphey, late captain of Company B, Ninetieth Regiment Illinois Volunteers, duly sworn, says that he was well acquainted with the claimant, and that it is his opinion he was a man of sound bodily health; a most faithful soldier, doing gallant duty, as the number of battles he was engaged in and wounds received abundantly testify, and that he has implicit confidence in the statement of claimant set forth in the petition;

and that while in the various hospitals was treated for wounds, general debility, and rheumatism, caused by the excessive duty performed, hardships, and exposure.

Patrick Flynn, late major of the same regiment, says in his affidavit that he is well acquainted with the claimant, and swears positively of his own personal knowledge that the wounds and disability for which petitioner claims an invalid pension, were received and contracted while in the United States service and in the line of duty.

The facts set out in the petition are, in the opinion of the committee, abundantly proven, and that the claimant presents a good and meritorious case, and are therefore unanimous in recommending the passage of the bill.

○

EDWARD O'DRISCOLL.

MARCH 27, 1874.—Ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 25.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 25) restoring Edward O'Driscoll to the pension-rolls, report as follows :

The applicant fails to furnish evidence that would justify the Committee in coming to a conclusion adverse to the ruling of the Commissioner of Pensions. The committee consider the provisions of existing law sufficient to govern this case, and therefore report adversely on the bill.

O

JAMES QUIGLEY.

MARCH 27, 1874.—Ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT:

The Committee on Invalid Pensions, to whom was referred the petition of James Quigley, father and guardian of Patrick J. Quigley, late a private in Company C, West Virginia Light Artillery, now insane, make the following report:

The evidence presented in this case shows that insanity was caused by a blow upon the head while in a fight with a comrade, and not while in the line of duty. The committee therefore report adversely on the petition.

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ISAAC STEVENS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

M. RUSK, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 1673.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1673) granting a pension to Isaac Stevens, make the following report :

The claimant, Isaac Stevens, was seventeen years old at the time he enlisted in Company D, Thirty-seventh Regiment Indiana Volunteers, September 18, 1861, and at that time was a stout and healthy young man. While at Elizabeth, Ky., he had an attack of diarrhoea, and during the greater portion of his enlistment suffered from the effects of this disease, and received treatment for the same; and owing to the hardships and exposures incident to a soldier's life, the disease assumed an aggravated nature, and is physician states he his now unable to perform any manual labor, and entirely dependent upon his wife (who is also in poor health) and public charity for support. He was wounded in the arm at the battle of Stone River, and the testimony is that the wound has rendered his arm weak, and interferes with its usefulness to a considerable extent.

The committee having examined the papers in this case, and in view of the numerously signed petition of responsible citizens, fully setting forth the facts and praying for his relief, and that the claimant has become a public charge, are of the opinion that the claim is a meritorious one, and therefore recommend the passage of the bill.

WILLIAM J. UHLER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2662.]

The Committee on Invalid Pensions, to whom was referred the petition of Abraham Keil, guardian, for a pension to the minor child of Nelson M. Uhler, late a private in Company B, Twenty-first Ohio Volunteers, having considered the same, make the following report :

It appears from the evidence in this case that Nelson M. Uhler, with three other soldiers of the same company, were captured by the enemy while on a foraging expedition by implied permission only, and held prisoners of war from November 10, 1864, to the 24th day of March, 1865, at which time they were sent to Vicksburgh and released. At this point they embarked in the ill-fated steamer Sultana to go North, which exploded on the trip, killing Uhler, while the other three escaped. It also appears that the charge of desertion was entered against these soldiers, but on proper presentation of all the facts in the case, the charge of desertion against the surviving soldiers was removed by order of the War Department, with pay, bounty, and honorable discharges. On September 15, 1865, Eliza E. Uhler, widow of Nelson M. Uhler, applied for pension, but was refused on the ground that her husband was charged with desertion. Efforts were then made to have the charge removed, and was granted August 20, 1870. Pending this action, the widow died. Abraham Keil, guardian, then made application for pension for the minor child, William J. Uhler, but was refused on the ground that the soldier was not in the line of duty when captured by the enemy.

In view of all the proof and facts in this case, the committee are of the opinion that it is a meritorious one, and recommend the passage of the accompanying bill.

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JOHN FOLGER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT :

[To accompany bill H. R. 1439.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1439) granting a pension to John Folger, late a private in Company K, One hundred and twenty-second Regiment Ohio Volunteers, having considered the same, make the following report :

The claimant was a drafted man, and mustered into service on or about the 18th day of May, 1864. In his statement, under oath, he says that while the regiment was on the march from Bolivar's Heights, Virginia, to Frederick City, he became worn out from marching and excessive heat, and was therefore unable to keep up with the company; that he received a pass from the surgeon of the regiment to allow him to pass the provost guards, and ordered him to follow the regiment as fast as possible, and did so. That on the 31st day of July, 1864, near Petersville, Md., he stepped out of the road, over which troops were passing, and while resting under the shade of a tree with his gun unloaded resting on his shoulder fell asleep, when he was shot in the left arm, shattering it to such an extent as to make amputation necessary.

These facts are clearly proved by well-authenticated testimony, and the only difficulty in the way of his receiving a pension is that his absence from the command at the time is regarded by the Pension-Office as not being by proper authority, and hence they rejected the claim.

The testimony bearing directly upon the point of absence by competent authority is given by Rev. Joseph Trapwell, who found the claimant when first wounded, and who took him to his own house, where the amputation was performed. Mr. Trapwell says that claimant *did* have a pass from the surgeon of the regiment, allowing him to follow the regiment as fast as possible, and to pass the guard.

W. M. Houston, regimental surgeon, states that while he has no recollection of giving the claimant a pass, nor any record of such a pass on his books, he thinks it very likely that he did so.

The committee are clearly of the opinion that the preponderance of testimony is on the side of claimant, and that the passage of a bill for his relief would only be an act of justice. We therefore recommend the passage of the bill.

LUCINDA JONES.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1843.]

The Committee on Invalid Pensions, to whom was referred the petition of Lucinda Jones, make the following report:

Thompson M. Jones was a private in Company G, commanded by Capt. James S. Jackson, Twenty-second Regiment Illinois Volunteers, and was seriously wounded in the left arm on the 7th November, 1861, in the battle of Belmont, Missouri. The wound was so serious that the arm had to be amputated between the elbow and shoulder. After the amputation Mr. Jones was discharged from the service, and returned to his home in Marion County, Illinois, where he died on the 9th day of November, 1865.

On the 9th day of February, 1874, a bill was introduced into Congress granting a pension to Lucinda Jones, the widow of Thompson M. Jones, late a private of Company G, Twenty-second Regiment Illinois Volunteers.

The marriage of Lucinda McCoy to Thompson M. Jones on the 13th August, 1835, is clearly proven by a certified copy of the license and certificate of marriage, also by the affidavits of witnesses who knew of their cohabitation as man and wife for many years, some of whom were present at the birth of their children.

It is also clearly proven by five of the acquaintances and neighbors of Thompson M. Jones that at the time of his enlistment in the service, and up to the date of his wound, he was a strong, healthy, robust man, and after the wound and amputation of the arm his general health was so seriously impaired, his constitution so wrecked and his nervous system so ruined, that he passed into a constant and gradual decline up to the time of his death. Mrs. Jones asks for a pension for herself and children, upon the grounds that her husband lost his life in the line of his duty, in consequence of the gunshot wound received four years prior to his death. Is that the case? If so, the applicant is clearly entitled to the pension for herself and three children under the age of sixteen. Dr. J. A. Irwin, under oath, says he was well acquainted with Mr. Thompson M. Jones, now deceased; became acquainted with him in August, 1865; he then had no impaired constitution, the immediate result, to use the physician's own language, of the wound and loss of the arm. The doctor further says, "His constitution, so impaired, rendered him an easy prey to any disease; and having been his attending physician in his last

illness," he says, "had Jones's constitution been unimpaired, he would have survived the attack of the disease with which he died." Does not this language show that he died by reason of the wound, however remote the day of the wound? It may not have been the approximate cause of the death, yet the wound had so impaired his whole physical system, from that of entire soundness to that of entire prostration, that he was made the easy prey of the disease of which he nominally died. Your committee, believing that Mr. Jones lost his life in the line of his duty, or by a cause occurring at the time he was engaged in the line of duty, recommend the passage of the bill.

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JENNET H. NISBET.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2181.]

The Committee on Invalid Pensions, to whom was referred the petition of Jennet H. Nisbet, mother of Thomas Nisbet, late a musician in the Forty-fourth Regiment Ohio Volunteers, respectfully report:

That we find Thomas Nisbet was a musician in the Forty-fourth Regiment Ohio Volunteers; that he died in camp-hospital at Meadow Bluffs, West Virginia, on the 24th day of July, 1862. It is shown by the proofs on file that petitioner was dependent on her said son for support; that she is now sixty-seven years of age, in feeble health, and entirely without the means of support; therefore, your committee report favorably and recommend the passage of the accompanying bill.

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DEBORAH A. SWAN.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2669.]

The Committee on Invalid Pensions, to whom was referred the petition of Deborah A. Swan, widow of Levi Swan, private Company E, Fifty-eighth Regiment Illinois Infantry Volunteers, respectfully report :

That said soldier enlisted on the 20th day of December, 1861, and died in hospital at Camp Douglas, Illinois, on the 13th day of January, 1862. Report of War Department fails to show cause of death. It is shown by the sworn statements of two comrades, who were in the hospital with said Swan at the time of his death, that he died of lung fever, and that the same was contracted in the service and in line of duty. It is further shown by the evidence that petitioner, Deborah A. Swan, is the widow of said deceased soldier, and that she applied for a pension on the 1st day of March, 1864, which was rejected on the grounds that the claim was not completed within three years, as provided by act July 4, 1864. Your committee are clearly of the opinion that the evidence on file fully establishes the claim, and therefore report favorably.

MARY S. HOWE. •

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2670.]

The Committee on Invalid Pensions, to whom was referred the petition of Mary S. Howe, widow of David Howe, late special agent provost-marshal's office, fourth district of Massachusetts, respectfully report:

That said David Howe was a special agent of the provost-marshal's office for the fourth district of Massachusetts, from July 6, 1863, to April 21, 1865. That he was severely injured by a mob on the 14th day of July, 1863, while engaged in his official duties as such special agent, distributing drafts. The injuries were of such a nature as to render him totally unfitted to perform manual labor, and from which he died on the 22d day of July, 1869. From the date of his injuries to the date of his death, he required the constant care and attention of another person. He was pensioned by special act of Congress, February 28, 1868, at the rate of \$25 per month, same to commence April 25, 1865. It is represented that petitioner is in destitute circumstances and unable, through feeble health, to support herself by manual labor. She asks that her name be placed on the pension-rolls, and your committee, in view of all the facts in the case, report favorably and recommend that the name of petitioner be placed on the pension-rolls at the rate of eight dollars per month, to commence from the passage of this act.

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GEN. A. C. VORIS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT :

[To accompany bill H. R. 2671.]

The Committee on Invalid Pensions, to whom was referred the petition of Gen. A. C. Voris, late colonel of the Sixty-seventh Regiment Ohio Volunteers, beg leave to report :

That Gen. A. C. Voris entered the service in January, 1862, as lieutenant-colonel of the Sixty-seventh Regiment Ohio Volunteer Infantry; received promotion for gallant and distinguished service until he reached the rank of brevet major-general. He was severely wounded on the 18th day of July, 1863, in an assault on Fort Wagoner, South Carolina, by a gun-shot wound in the abdomen. The ball struck his sword-belt ring and divided into unequal parts, the smaller part lodging in the muscles that support the abdomen, the larger portion passing downward and backward, and lodging in the upper surface of the bladder, where it remained until about the 1st of November, 1872, when it broke through the walls of the bladder, and there remained until removed by surgical operation on the 24th day of November, 1873.

General Voris states that he was entirely deceived by finding the smaller piece of lead shortly after he was hurt, and did not know from what cause he was suffering until the bullet was found in his bladder. General Voris states that he has suffered great pain at times from the date of his wound up to the operation, and supposed he was suffering from paralytic rheumatism; further states that he has expended at least \$500 for medical services, and asks that he be granted a pension; that he has never applied for a pension, for the reason that he could not determine his disease and did not know that he was so clearly entitled until after the surgical operation.

Dr. Thomas McEbright, of Acton, Ohio, United States pension surgeon, states that he has attended General Voris for some months, and assisted in the operation for stone in the bladder. He fully corroborates the statements of General Voris. His affidavit is herewith filed and made part of this report.

In view of all the facts in the case, the distinguished services of General Voris, his great suffering from the wound received in the service and in the line of duty, your committee report favorably, and recommend the passage of a special act granting a pension at the rate of \$30 per month, same to commence from the date of the discharge of General Voris from the service of the United States.

THE STATE OF OHIO,
Summit County, ss :

Thomas McEbright, of the city of Akron, and State of Ohio, being first duly sworn, upon his oath says that he has been a practicing physician and surgeon for the last twenty-two years; that he is now a pension-surgeon by appointment of the Pension Bureau, and was surgeon of the Eighth Ohio Volunteers for over two years; that affiant has been intimately acquainted with Alvin C. Voris, late colonel of the Sixty-seventh Ohio Volunteers and brevet major-general United States Volunteers, since his final discharge in December, 1865. Affiant says he also attended said Voris as his physician and surgeon for several months last past, and had charge of the preliminary treatment of said Voris preparatory to the operation hereinafter stated, and was his attending physician from the time of said operation to this date; was thus employed for a period of more than four months. Said Voris was operated on for stone in the bladder by Dr. J. W. Hamilton, of the city of Columbus, Ohio, and myself, on the 25th of November, 1873. From the time of his final discharge to the fall of 1872 he was afflicted more or less with trouble and inconvenience in his lower extremities, pain and lameness in his back, by times incapacitating him for business of any kind. His legs at times were enfeebled to a degree amounting to paralysis, with a great deal of pain above the bulus or pubic bone; that for about eighteen months prior to the said operation he had great distress in the region of the bladder, accompanied by frequent and exceedingly painful calls to urinate. He had, in fact, all the symptoms of stone in the bladder. On the 25th of November, 1873, he was operated on for stone by the lateral operation. We found and removed a foreign body from the bladder, which proved to be a leaden bullet—a minie ball, less about one-fourth part thereof, of irregular form, with sharp angles, and weighing one and one-eighth ounces, with slightly increased weight from earthy deposits thereon.

Affiant says that during the last eighteen months the disability amounted to total and since December, 1865, to the fall of 1872, to nearly the same degree.

THOMAS MCEBRIGHT, M. D.

Sworn to before me and subscribed in my presence this 2d day of March, A. D. 1874.

R. P. MARVIN,
Notary Public.

MARY A. S. LOOMIS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2672.]

The Committee on Invalid Pensions, to whom was referred the petition of Mary A. S. Loomis, widow of Col. Gustavus Loomis, of the United States Army, respectfully report :

That we find that said Gustavus Loomis served in the United States Army for sixty-one years with marked distinction and great efficiency ; that he died of old age on the 5th day of March, 1872, leaving petitioner, his widow, who is now seventy-one years of age, in indigent circumstances.

In view of the distinguished, long, and faithful services of said soldier, of the helpless condition and circumstances of his aged widow, your committee report favorable, and recommend the passage of a special act granting petitioner a pension at the rate of \$30 per month from the passage of the same.

Attention is called to the military record of said soldier, hereto attached, which is made part of this report :

ADJUTANT-GENERAL'S OFFICE,
Washington, April 8, 1872.

Military history of Gustavus Loomis, late of the United States Army, as shown by the files of this Office :

Graduated at the United States Military Academy and appointed second lieutenant Light Artillery, March 1, 1811 ; captain and assistant deputy quartermaster, April 19, 1813 ; first lieutenant Light Artillery, May 5, 1813 ; transferred to Corps of Artillery, May 12, 1814 ; captain, April 7, 1819 ; transferred to First Infantry, June 1, 1821 ; major Second Infantry, July 7, 1838 ; lieutenant-colonel Sixth Infantry, September 22, 1840 ; colonel Fifth Infantry, March 9, 1851 ; retired, June 1, 1863 ; brevetted major April 7, 1829, for faithful service ten years in one grade ; brigadier-general, March 13, 1865, for long and faithful services in the Army.

Services.—In garrison at Fort Columbus, New York Harbor, 1811-'12 ; in the war of 1812-'15 with Great Britain, in garrison in New York Harbor, 1812-'13, and on the Niagara frontier, 1813, being engaged in the capture of Fort George, Upper Canada, May 27, 1813, and was taken prisoner at the surprise of Fort Niagara, N. Y., December 19, 1813 ; on ordnance duty, 1815-'17 ; in garrison at New York Harbor, 1817-'19 ; on coast survey, 1819-'20 ; on recruiting service, 1820 ; in garrison at Fort Gadsden, Florida, 1820-'21, and Baton Rouge, La., 1821-'25 ; in Creek Nation, 1825-'26 ; in garrison at Cantonment Clinch, Fla., 1826-'27, and New Orleans, La., 1827-'28 ; on recruiting service, 1828-'30 ; in garrison at Fort Crawford, Wisconsin, 1830-'32, and 1832-'33, during the Black Hawk campaign ; on detached service, February 8, to June 19, 1833 ; on recruiting service, 1833-'34 ; on frontier duty at Fort Snelling, Minn., 1834-'36, Fort Crawford, Wisconsin, 1836-'37, and Jefferson Barracks, Missouri, 1837 ; in the Florida campaign, 1837-'42, participating in the battle of Okeechobee, Decem-

ber 25, 1837; on frontier duty at Fort Towson, Indian Territory, 1842-'43; Fort Gibson, Indian Territory, 1843-'44; Fort Towson, Indian Territory, 1845-'46; and Fort Gibson, Indian Territory, 1846-'48; in the war with Mexico, 1848; in garrison at Jefferson Barracks, Missouri, 1848; Fort Crawford, Wisconsin, 1848; and Saint Louis, Mo., 1848-'49; on frontier duty at Fort Snelling, Minn., 1849-'50, and Fort Laramie, Dak., 1850; superintendent general recruiting service October 1, 1850, to July 15, 1851; on frontier duty at Fort Belknap, Texas, 1852-'53; Fort McIntosh, Texas, 1853-'54; and Ringgold Barracks, Texas, 1854-'55; in Florida hostilities against the Seminole Indians, 1856-'58, being in command of the Department of Florida, April 27, 1857, to July 16, 1858; on leave of absence, 1858-'61; on volunteer mustering duty, April 18 to August 19, 1861; superintendent of general-recruiting service at Fort Columbus, New York, August 19, 1861, to August 10, 1864; on court-martial duty, 1864, to June, 1869; unemployed to March 5, 1872, when he died at Stratford, Conn.

E. D. TOWNSEND,
Adjutant-General.



HANNAH B. EATON.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BARRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2673.]

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Hannah B. Eaton, of Kingsville, Ohio, to have her name restored to the pension-rolls, have had the same under consideration, and beg leave to report :

That on July 3, 1871, a pension was allowed the petitioner at the rate of \$8 per month, from the 1st day of July, 1865, the date of the soldier's death, to December 4, 1872, when the Pension-Office learned that the deceased soldier, Charles Eaton, was the adopted son, and therefore properly dropped the name of the mother from the pension-rolls. It appears that Mrs. Eaton adopted Charles when he was three weeks old, in the place of an infant lost by her; that the parents of Charles both died; that he took the name of Eaton and was treated always in all respects as an own son, and supported Mrs. Eaton as his own mother, giving her his bounty-money and sending her his wages as a soldier; also, that there is no other person entitled to a pension on account of this soldier's death; that there is no evidence of attempt at fraud in the case, the mother having informed the agent when making the application that her son was adopted when an infant, and was informed that it was all the same; and that the mother is in very needy circumstances.

Your committee therefore recommend that the name of Hannah B. Eaton be restored to the pension-rolls to date from December 4, 1872, the date when her name was dropped.

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LOUIS MARKGRAF.

MARCH 27, 1874.—Ordered to be printed.

Mr. BARRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

The Committee on Invalid Pensions, to whom was referred the petition of Louis Markgraf, captain Eighth Ohio Battery, for a pension, have had the same under consideration, and beg leave to make the following report :

That the letter from the Commissioner of Pensions, transmitting the papers in this case, states that it "was rejected upon record-evidence that the hernia for which pension is claimed existed prior to enlistment."

It appears that the evidence on file had been referred to the Adjutant-General at the request of the attorney of record, and returned with the following report:

"A careful examination of the case of Captain Louis Markgraf, of the Eighth Ohio Battery, shows him to have had inguinal hernia of the left side when he entered the service.

"This is admitted by himself in his letter of July 9, 1862, transmitting his medical certificate whereon to base his discharge.

"His discharge was granted in view of that and other facts which proved his physical disqualification for service, and is evidence superior to any that can now be presented.

"No change can be made in his record that will show his disability to have been contracted while in the military service of the United States."

In view of the foregoing official statement of the admission of the petitioner while in the service, that disability existed prior to his enlistment, your committee believe that the petition should not be granted, and we therefore report adversely.

DENNIS McCARTHY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. WALLACE, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1866.]

The Committee on Invalid Pensions, to whom was referred the petition of Dennis McCarthy, having had the same under consideration, report:

That the petitioner was a private of the First Regiment of Virginia Volunteers, in the Mexican war, and was discharged at Buena Vista, Mexico, November 19, 1847, on surgeon's certificate of disability. He was recently examined by a board of surgeons appointed by the Commissioner of Pensions, and pronounced "totally incapacitated" by reason of the disease contracted in the service, and on account of which he was discharged. Your committee, therefore, report the accompanying bill, and recommend its passage.

ROSALIE C. P. LISLE.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. WALLACE, from the Committee on Invalid Pensions, submitted the following

REPORT :

[To accompany bill H. R. 580.]

The Committee on Invalid Pensions, to whom was referred the claim of Rosalie C. P. Lisle, have examined the same, and submit the following report :

The proof shows that Joseph T. Lisle, a son of the petitioner, was an assistant paymaster in the Navy of the United States, and that he died of yellow fever on the 26th of September, 1863, at the hospital in the city of New Orleans; that the disease of which he died was contracted while in the service and while in the line and performance of duty; that the husband of the petitioner is not able to support his family; that her son Joseph, while serving on the *Braziliera*, allotted to the petitioner for her support \$250; and that while serving on the United States steamer *Pensacola*, the vessel to which Joseph was attached when he died as aforesaid, he allotted to her for her support \$50 per month for twelve months, (first payment in July, 1863,) upon which allotment the sum of \$180 was paid, and that he died in about three months after this last allotment was made.

From the evidence submitted, and after a careful examination of the whole matter, the committee are impressed with the justice of this claim, and recommend the passage of the bill with the following amendment: Strike out all after the seventh line thereof, and insert "from and after the passage of this act."

JOHN W. WRIGHT.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BARRY, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2674.]

The Committee on Invalid Pensions, to whom was referred the petition of John W. Wright, now in the National Home for disabled veteran soldiers near Dayton, Ohio, for a pension, have had the case under consideration, and beg leave to report :

That the petitioner enlisted October 13, 1861, in Company E, Seventeenth Regiment Kentucky Volunteers, and was discharged January 13, 1865, on the expiration of his term of enlistment.

That at the battle of Lovejoy Station, in Georgia, September 5, 1864, he received a gun-shot wound in the left hand, but not severe enough to be treated in hospital, or to be reported among the casualties.

That the fact of his being thus wounded is testified to by his commanding officer and by two of his comrades. His captain testifies that he has lived a near neighbor to Wright since he left the Army, and knows that the wound he received in battle caused the loss of his arm.

That two of his neighbors testify that the hand and arm continued to swell from the time he left the Army in January, till the next October, and he carried his arm in a sling for the most of the time, and was unable to use it in any work or labor.

That in October, 1865, the petitioner placed himself under the care of physicians, and from that time till May, 1868, when the arm was amputated, he was treated by three physicians, who testify to making every effort to save it, previous to resorting to amputation. They also testify that they believe that what was thought to be a gun-shot wound was the direct cause of the amputation.

That the evidence shows that Wright was a brave and faithful soldier, and a sound man when he entered the Army; that he was twice wounded in battle; and that he preferred duty in the field to going to hospital when slightly wounded.

From all the evidence in this case, your committee believe that the wound received in battle by the petitioner was the direct cause of the loss of his arm, and we therefore recommend the passage of the accompanying bill for his relief.

ELIZABETH J. KING.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN D. YOUNG, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2675.]

The Committee on Invalid Pensions, to whom was referred the petition of Elizabeth J. King, submit the following report :

Capt. Herbert King, the husband of the applicant, was captain of Company F, Third Kentucky Infantry; entered the Union Army in the fall of 1861; was at the battle of Shiloh, and from exposure took sick and was for some time unable to do duty, and was permitted to go home. Not getting any better, in the fall of 1862 he tendered his resignation, but before its acceptance, and while on his way back to the Union Army with fifteen men whom he had enlisted, including two of his sons, he was set upon by the rebels under Morgan, his house burned, his property destroyed, and himself and men taken prisoners. They were taken to Danville, and from there to Camp Dick Robinson, and kept there until after the battle of Perryville. The rebels, on being forced to retreat, chained him to a wagon, and, with the others, including his two sons, took him to Cumberland Gap, where they were all hung, and because they knew him to be a Union soldier. The acceptance of his resignation did not arrive until May, a week after his murder. The Department could not grant a pension, on account of his resignation. The case is an extremely hard one, leaving the widow destitute and in want.

The committee think it a meritorious case, if ever there was one requiring a special act. The committee report favorably, and ask the passage of the bill, giving her a pension according to his rank.

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CAPT. THOMAS MCKINSTER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. J. D. YOUNG, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2676.]

The Committee on Invalid Pensions, to whom was referred the petition of Capt. Thomas McKinster, asking to be placed on the pension-rolls, beg leave to make the following report :

The proof shows the facts to be as follows: He was enrolled on the 20th day of October, 1861; mustered in as captain of Company D, Fourteenth Kentucky Volunteers, United States Army, December 14, 1861; honorably discharged June 8, 1862. The petitioner alleges that while in the service of the United States, and in line of duty, during the month of November, 1861, at or near Paintsville, Kentucky, he was taken sick with cold and measles, settling on his lungs, causing permanent disability. He was treated by Dr. Swetnam, at a house used as a hospital by the United States, while his regiment was on duty at Iva Mountain, Kentucky, and he has since treated him. Dr. E. V. Ferer proves he is three-fourths incapacitated from obtaining his subsistence by manual labor from disability, resulting from disease of the lungs, and, in his judgment, from his condition, and from the evidence before him, his disability originated in the service of the United States, and while in the line of duty.

The evidence of Dr. J. D. Kincaid, examining surgeon of the Fourteenth Kentucky Regiment Volunteers, shows him to have been sound and free from disease at date of his enlistment. Rupel T. Thompson, late lieutenant of Fourteenth Kentucky Volunteers, proves the fact of his sickness from exposure while at Paintsville, Kentucky, causing him to resign; was present, and knows the facts to be as alleged.

In view of all these facts, the committee recommend the passage of the accompanying bill giving him a pension according to his rank; and they ask to be discharged from the further consideration of this bill.

MRS. NANCY BROOKS.

MARCH 27, 1874.—Ordered to be printed.

Mr. JOHN D. YOUNG, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Nancy Brooks, submit the following report ;

Mrs. Nancy Brooks, mother of Stephen P. Brooks, asks to be allowed a pension as dependent mother. I find the evidence is not sufficient to establish that fact, but upon the contrary is conclusive she is not dependent.

○

NATHANIEL S. GREER.

MARCH 27, 1874.—Ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

The Committee on Invalid Pensions, to whom was referred the petition of Nathaniel S. Greer, make the following report :

The Committee on Invalid Pensions would recommend a pension to Nathaniel S. Greer, father of six sons, who served in the late war, three of whom were killed in line of duty. if he were not entitled to relief under the general law. Your committee think that as the mother of the three sons of petitioner, who were killed in battle is drawing a pension on account of dependence on one of them, the petitioner, being the father, may rest his claim of dependence on either of the others, if his case can be shown by proof to be such as will entitle him to a pension on that account. Further, it appears that no application has ever been made to the Pension-Office by petitioner; therefore the committee report unfavorably.

○

ANGELICA HAMMOND.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1799.]

The Committee on Invalid Pensions, to whom was referred the petition of Angelica Hammond for a pension, report:

That the petitioner is the widow of William Z. Hammond, late a private in Company E, First Maryland Cavalry, who died of disease contracted in the service, about six months after his discharge therefrom. The application of the widow was rejected at the Pension-Office for the reason that the absence of her husband from his command from December 1, 1862, to February 17, 1863, was not satisfactorily accounted for. The committee are satisfied, however, by the evidence of two well-known citizens of Baltimore, that the husband of the petitioner was under medical treatment during that period, and unable to join his command; and therefore report the accompanying bill.



GUADALOUPE TORRES.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1335.]

The Committee on Invalid Pensions, to whom was referred the petition of Guadeloupe Torres, having considered the same, respectfully report:

From the evidence it appears that Cruz Torres was the husband of the said Guadeloupe Torres, and while on line of duty as corporal of Company C, First Cavalry New Mexico Volunteers, was murdered by Juan Madrid, a private of said company, on the night of July 13, 1865, and that said murderer was convicted by court-martial. Therefore the committee recommend the passage of the bill granting a pension to his widow, Guadeloupe Torres.

○

ELIZABETH McCLUNEY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

REPORT :

[To accompany bill H. R. 2119.]

The Committee on Invalid Pensions, to whom was referred the petition of Elizabeth McCluney, having had the same under consideration, beg leave to make the following report :

The petitioner is in receipt of a pension of \$30 per month, but as her husband, Commodore McCluney, died of disease contracted in service prior to 4th March, 1861, his case does not come within the act of July 14, 1862. The records show that Commodore McCluney died of disease contracted while he was in command of home squadron. He was detached from service in May, 1860, on account of disability. We think that as, by the laws in force prior to act of 1862, he would have been entitled to a pension of \$50 per month, taken in connection with his high rank in the service, the petitioner should receive the pension provided in the accompanying bill.

The committee recommend the passage of the accompanying bill, as the husband of petitioner held a high rank in the Navy, and the precedents are in her favor.

○

MARY G. HARRIS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2677.]

The Committee on Invalid Pensions, to whom was referred the petition of Mary G. Harris, having considered the same, make the following report:

The committee recommend an increase of pension to \$50 per month, to Mary G. Harris, widow of John Harris, colonel commanding Marine Corps, in view of precedents. He served in Marine Corps from 1814 to 1857, when he contracted disease, resulting in his death in 1864. Under the laws in force at the time of his disability, his widow would be entitled to pension of \$50 per month, as his rank was equal to that of captain in the Navy. She is in receipt of pension of \$30 per month, under act of July 14, 1862, but on account of long service, high rank, and his right to come under laws prior to the act of 1862, your committee recommend the passage of accompanying bill.

○

CHARLES HERBERT.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2678.]

The Committee on Invalid Pensions report, in case of Charles Herbert, that his case comes within the spirit of the law, as he is unable to use an artificial leg, and, therefore, recommend an increase of pension to the amount allowed to cases of amputation above the knee.

○

GEORGE DAYSPRING.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2679.]

The Committee on Invalid Pensions report that, in the case of George Dayspring, on account of the character of his injuries, unfitting him for labor, the pension should be increased to \$15 per month.



JANE DULANEY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. O'BRIEN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2680.]

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Jane Dulaney, having considered the same, submit the following report:

Jane Dulaney, applicant, is the widow of William Dulaney, colonel United States Marine Corps, who died on the 4th of July, 1868. The proof shows that he entered the corps June 10, 1817, as second lieutenant; served continuously on shipboard and at different naval stations, (having been promoted during the period to first lieutenant, captain by brevet, and captain;) was on the Brandywine with La Fayette, (1825,) and, commanded the guard of United States frigate Constitution December, 1825, to July, 1828; was the first officer of the Marine Corps to volunteer his services for field-duty in co-operation with the Army at the breaking out of the Florida war; that he served with conspicuous gallantry and untiring devotion throughout that war, 1836-'37-'38, commanding the marines and a portion of the Army; that Fort Dulaney was named in his honor, and he was complimented by Major-General Jesup in General Orders 102, and tendered the thanks of the country therein, General Persifor F. Smith also testifying in the highest terms to the Navy Department his appreciation of his brilliant services; that during these campaigns he was prostrated by disease, and advised by surgeon's certificate that to remain longer in that malarious climate would endanger his life; he, notwithstanding, continued in the field until the close of the war, when he returned in command of his force.

That while in command of Fort Pickens, Florida, (1846,) he was again the first marine officer to tender his services for the Mexican war; that in this war he likewise commanded the marines with marked gallantry, and, (having in the mean time been promoted and commissioned major by brevet and major,) for gallant and meritorious conduct at the storming and capture of the castle of Chapultepec, and the capture of the Belen Gate and the city of Mexico, received the brevet of lieutenant-colonel.

That after the close of the Mexican war he served continuously in command of the marine-barracks at New York, Boston, and Portsmouth, N. H.; that he was a native of Virginia; that at the firing of the first gun on Fort Sumter he telegraphed his services for duty in the field;

that he was commissioned a colonel of the corps by President Lincoln, (to rank from July 26, 1861,) and in command of the marine battalion at Norfolk, Va., from October 1, 1862, until November 8, 1865, having been placed on the retired list June 6, 1864, under the act of Congress retiring officers of forty-five years' service. That he died in service as above stated, July 4, 1868, and has left a widow of advanced age, in very indigent circumstances, and with a large family of children.

In consideration of the gallant and valuable service rendered to the country by her husband, covering a period of half a century, (aside from the fact that he was a volunteer in the war of 1812, while yet a boy,) your committee are of opinion that the venerable widow is entitled to and should have relief in her need. They therefore recommend the passage of the accompanying bill.

○

MARY E. MURPHY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. SMART, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 870.]

The Committee on Invalid Pensions, to whom was referred the case of Mrs Mary E. Murphy, on application for increase of pension, (bill H. R. 870), having considered the same, would respectfully report :

That Richard J. Murphy, the husband of petitioner, who was a member of the Thirty-ninth Regiment New York Volunteers, died from consumption contracted in the service while in the discharge of his duty. The Pension-Office, when the case was before it for adjudication, determined the date of the origin of the disease on 15th of September, 1861, since at that time he was treated for "inflammation of the lungs," contracted while on picket-duty near Alexandria. It appears, however, from the record that he served afterward with his regiment, and was wounded May 2, 1863, at Chancellorsville, a piece of shell striking him at the lower part of left chest. From that time the husband of the petitioner, as is fully shown, gradually declined. The probability is that the date of disease should have been May 2, 1863. This would have entitled his widow to a captain's pension. The relief asked for is that she be accorded the pension which her husband's rank as second lieutenant would entitle him to, that being the position he was actually holding September 15, 1861, at the time the origin of the disease is dated by Pension-Office. The office was unable to allow the claim, since the officer, though actually, serving was not mustered till October 15, 1861, but was borne on the rolls as first sergeant. The failure to muster was through no fault of the officer.

Your committee recommend the passage of the bill for the relief of his widow.

○

JOSIAH KIRBY.

MARCH 27, 1874.—Ordered to be printed.

Mr. HENRY B. SAYLER, from the Committee on Patents, submitted the following

R E P O R T :

The Committee on Patents report on the memorial of Josiah Kirby, of Cincinnati, that letters-patent were granted to said Kirby on the 20th day of September, 1859, on an implement with which to ream and bore holes in barrels; that on the 19th day of June, 1872, said Kirby filed his petition for an extension thereof, showing among other things that his expenses in and about his said invention amounted to \$200, and that his receipts therefrom amounted to \$13,589.53; that on the 19th day of September, 1873, said application for extension was refused by the Commissioner of Patents on the report of the examiners-in-chief of the Patent-Office, because there was not a sufficient showing of diligence by the said Kirby to introduce said invention to the public, or of effort to realize a greater compensation, "and because, so far as appears, he has been reasonably remunerated for all the time, ingenuity, and expense which he could have expended on so simple a device."

The want of proof as to the want of diligence in his attempt to introduce said invention to the public has been fully supplied to the committee, but no showing has been made as to the other two grounds of refusal aforesaid, either of which in the opinion of the committee is sufficient to be fatal to the prayer in the memorial.

The committee therefore report adversely and recommend that the said memorial do lie upon the table.

○

FIRST NATIONAL BANK OF WASHINGTON.

MARCH 27, 1874.—Recommitted to the Committee on Banking and Currency and ordered to be printed.

Mr. FARWELL, from the Committee on Banking and Currency, submitted the following

REPORT:

[To accompany bill H. R. 2681.]

WASHINGTON, March 16, 1874.

SIR: Your sub committee appointed to examine into the condition of the affairs of the First National Bank of Washington, D. C., at the time of its failure, and into its prior transactions and general management, under a resolution of the House of Representatives, under date of February 10, 1874, beg leave to present herewith a statement in the form of a balance-sheet, showing the condition of its affairs at the close of its business operations on the 18th day of September, 1873.

Balance-sheet First National Bank of Washington, September 18, 1873.

United States bonds deposited as security for circulation	\$500,000 00	Capital stock	\$500,000 00
United States bonds deposited as security for United States deposits	100,000 00	Surplus	108,000 00
United States bonds on hand and premium on same	6,440 00	Profit and loss account	36,218 03
United States bonds with First Comptroller of the Treasury, in litigation	30,000 00	Circulation, \$450,000, less amount on hand, \$6,145	443,855 00
Real estate, bank building	99,924 85	Amount due to Treasurer of the United States	287,782 45
Real estate in and about Washington	84,027 56	Outstanding drafts unpaid	46,902 55
City and other bonds and stocks	8,693 04	Amount due to individual depositors	320,738 53
Amount due from banks failed and in hands of receivers	4,258 95	Amount deposited by First Comptroller of the Treasury for interest collected on bonds in litigation	10,116 00
Overdrafts	42,202 00	Amount due to banks and bankers	1,153,916 97
Loans and discounts	667,525 28		
Jay Cooke & Co.	748,960 67		
Amounts due from solvent banks and bankers	150,215 85		
Currency and checks on hand	116,131 77		
Good cash items on hand	2,269 41		
Bad and doubtful cash items	11,776 45		
Gold	4,613 89		
Mutilated currency on hand	278,485 95		
Deficit in mutilated currency, account	46,398 05		
Difference in deposit ledger	26 81		
Fiscal currency seized by United States Treasurer	4,885 98		
Total	2,906,829 53	Total	2,906,829 53

This bank was organized under the provisions of an act entitled, "An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, the articles of association providing that the capital of the bank should be \$500,000.

On the 15th day of July, 1863, a first payment of \$150,000 was made on its stock by the following-named persons, each paying the sum set opposite to their names:

Henry D. Cooke.....	\$28, 500
H. C. Fahnestock.....	27, 000
W. T. Huntington.....	750
B. B. French.....	750
J. A. Wills.....	3, 000
W. G. Morehead.....	52, 500
Jay Cooke.....	37, 500
	<hr/>
	150, 000

On the 16th day of July, 1863, the bank was duly authorized by the Comptroller of the Currency to commence business.

On the 15th day of September following a further payment of \$350,000 to the capital stock was made as follows:

Henry D. Cooke.....	66, 500
H. C. Fahnestock.....	63, 000
W. T. Huntington.....	1, 750
B. B. French.....	1, 750
J. A. Wills.....	7, 000
W. G. Morehead.....	122, 500
Jay Cooke.....	87, 500
	<hr/>
	350, 000

The books show that active business operations were commenced shortly after this last payment. Its failure occurred on the 18th day of September, 1873.

The principal stockholders were members of the banking firm of Jay Cooke & Co., and as far as the books show the members of that firm were still its principal stockholders at the time of its failure.

During the whole course of its existence the bank has been a depository of public moneys, established as such under the following section of the national currency act:

SEC. 45. *And be it further enacted*, That all associations under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositories of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositories of public moneys and financial agents of the Government, as may be required of them. And the Secretary of the Treasury shall require of the associations, thus designated satisfactory security by the deposit of United States bonds and otherwise for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided*, That every association which shall be selected and designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks.

And has been largely employed at times as financial agent of the Government. It has acted as such agent in the conversion of the seventy-three notes, and in the negotiation and funding of various Government loans, in connection with the several syndicates formed for that purpose. Its transactions as Government financial agent have been of great magnitude, and large profits have been derived from them and from dealings in United States securities of all kinds.

Another large branch of the business has been the conversion of mutilated currency for banks and bankers through the country, and acting as agent for the redemption of mutilated bank-notes for such of the national banks as kept a redemption deposit with the institution. This was to be kept up to a certain fixed sum, varying in proportion to the

capital of the banks. At the time of its failure, this fund amounted to some \$750,000, and formed a large part of its indebtedness to banks and bankers.

From small beginnings this part of the business had grown to enormous proportions. We find that in its management there was great remissness and neglect on the part of the officers of the bank in failing to establish and carry out a proper system for the management of its details. No adequate checks were established to insure correctness and accuracy; the mutilated currency did not enter into the general cash account of the bank, but was kept separate and apart and under the control of a special corps of clerks, and was a department by itself. No record is found of any cash settlement having been made in this so-called mutilated currency department to prove the accuracy of the count or entries, and to verify whether the amount of currency actually on hand was what it should be. The books of that department were simple memoranda.

When the mutilated currency was received it was entered on one of the memorandum-books; from these books the remittances were made; when amounts were remitted for, which occurred daily, the drafts were credited, on the general books, to the bank on whom they were drawn, a debit, in bulk, being made to an account denominated "mutilated currency." A large amount of the currency received was that of banks keeping no redemption deposit with the institution, which had to be assorted and sent off, in round sums, to cities where those notes were redeemable, for collection and returns; when thus sent off, the amounts so sent were debited to the banks to whom sent, and the amount credited, in bulk, to "mutilated currency."

As to the notes of banks keeping a redemption deposit with the bank, they were assorted and held until they accumulated to \$500, or more, when the amounts were taken to the Comptroller of the Currency for cancellation and burning. Large amounts were sent over daily, and the amount so sent was, in bulk, debited to an account called "burning account," and credited to the "mutilated currency" account.

For the currency burned and canceled by the Comptroller of the Currency, he issued certificates of burning, and the banks whose notes had been burned were entitled to an issue of a like amount of new notes.

These certificates were forwarded to the different banks whose notes had been canceled, with a request for the remittance of the amount to make good the deficit thereby created in their redemption deposit fund, to which, however, the amounts were not debited, but to the "burning account," as heretofore explained, thus leaving the balance at the debit of that account to represent the amounts due from banks for currency redeemed and destroyed for their account.

It was agreed, on the part of the bank, that returns for mutilated currency should be made on the day following its receipt, but the practice has been to remit in from one to five days after receipt, and even later, in cases of special agreement, the average being three and four days; a large amount of currency was thus always on hand which the general books of the bank showed no account of. At the time of the failure the accumulation of currency not remitted for and not entered on the general books of the bank amounted to nearly \$340,000; this amount has since been entered, and, of course, comes in in its proper place in the balance-sheet submitted herewith. At the same time there had also been sent to the Comptroller of the Currency for burning some \$97,000, without any entry of the same having been made on the general books; the

proper amounts have since been charged to the proper banks, and also have their proper place in the balance-sheet.

This balance-sheet, it will be readily seen, is very different from the statement actually shown by the books on the 18th day of September, but shows its actual condition at that time in as close a manner as can be, as almost all the accounts have been verified, and the differences which may be found hereafter cannot be of any particular moment.

We have explained this "mutilated currency" business at great length, in order to elucidate, as far as it is in our power to do so, the item in the balance-sheet under the head of "deficit in mutilated currency account," \$46,398.05. As banks were credited with the mutilated currency which had not been remitted for at the time of the failure, "mutilated currency account" was debited with the amounts so credited; the same account was credited with the amount of currency burned, and charged to the banks; it was further credited with the amount of mutilated currency actually found to be on hand; the account should, of course, have been balanced by this amount of currency on hand so credited, but the credit failed to balance the account in the sum of \$29,309.05. The "burning account" should likewise have been balanced by the amounts received from banks, or charged to them, but, although we cannot find that anything is due from any bank on this account, it fails to be so balanced in the sum of \$17,089, thus showing a deficit or shortage of \$46,398.05 in the two accounts.

A thorough examination of these accounts has been made with the view of accounting in some plausible way for this deficit, but without success. We are at a loss to account for it; we present the fact, but offer no explanation.

This whole "mutilated currency" business was transacted in a loose manner, and a lack of system and of proper checks in accounting has brought about its inevitable results. As no account appears to have ever been taken of the actual amount of mutilated currency on hand, it may be possible that this deficiency did not exhibit itself in a palpable shape until after the failure of the bank.

Of the United States bonds owned by the bank \$30,000 are held by the First Comptroller of the Treasury for the security of a claim made by the State of Texas against the bank, now in litigation before the Supreme Court of the United States, and subject to the final decision to be rendered by that court. On these bonds the First Comptroller has collected interest to the amount of \$10,116, which were deposited by him with the bank and appear as a liability. Both the asset and liability mentioned are contingent on the decision of the court.

The \$500,000 in United States bonds deposited as security for circulation are of the class known as ten-forties, bearing five per cent. interest.

The \$100,000 deposited as security for deposits are Pacific Railroad bonds, generally known as currency sixes, issued under acts of Congress approved July 1, 1862, and July 2, 1864, and are applicable to the cancellation of part of the indebtedness of the bank to the Treasurer of the United States.

The large indebtedness of this bank to the Government, over and above the amount of securities deposited, has been looked into by your sub-committee with special attention, and we find that the *modus operandi* through which this large indebtedness arose was as follows: As designated depository the First National Bank of Washington issued its certificates in favor of the Treasurer of the United States for fractional currency to be forwarded to different banks and bankers in the

country desiring it, and who made their orders through them. In the natural course of business such certificates would not be large, and the balances in bank would be kept down to a proper amount by transfer orders made as soon as the weekly transcripts or reports of the bank received at the Treasury Department could be examined and looked into.

On the 23d day of August, 1873, the balance at the credit of the Treasurer on the books of the bank, and reported to him, was	\$133,108 45
During the following week certificates were issued by the bank and cashed by the Treasurer amounting to	118,750 00
Running the balance, on the 30th of August, up to. In the mean time no transfer orders were paid. During the following week certificates were issued to the amount of	251,858 45
	40,524 00
	<hr/> 292,382 45
And transfer orders were paid to the amount of	145,000 00
	<hr/> 147,382 45
Leaving the balance on September 6, at..... From the 8th to the 17th of September, inclusive, certificates were issued to the amount of	185,400 00
	<hr/> 332,782 45
And on the 13th of September a transfer order was paid for	45,000 00
	<hr/> 287,782 00
Leaving balance on the 18th	

Of the certificates issued during the last week, \$125,000 were for fractional currency, to be shipped to Jay Cooke & Co., Philadelphia. At the time that these large sums were forwarded on the strength of the certificates of the First National Bank, that bank was already indebted to the Treasury of the United States for a sum larger than the amount of its securities on deposit with the Treasurer, and the proper course would seem to have been to require the bank to furnish currency in lieu of its certificates.

We find that the manner through which Jay Cooke & Co. were permitted to thus obtain from the Government what might be called a temporary loan of a large amount of money on the simple indorsement or certificates of the First National Bank of Washington was due to a laxity in former Treasury regulations, of which they took advantage in an attempt to bolster up their failing fortunes.

Immediately after the failure of the bank the present Secretary of the Treasury promptly took effective steps and measures through which he has been enabled to obtain full and ample guarantees and security, by which the Government will be saved from loss in the premises. We have examined into the character of the guarantees and security obtained by him, and feel confident that any deficiency which may arise in the payment of this debt out of the assets of the bank will be fully met and collected from another source.

It is deemed proper to state that the Secretary of the Treasury informs us that he was not personally aware of the existence of this indebtedness until after the bank was closed.

Proper regulations have been made by him which he deems sufficient

to prevent a recurrence of a like condition of affairs, and to further protect the interests of the Government in its dealings with banks designated as depositories.

We now come to the general management of the bank and the causes for its failure.

Of its loans on the 18th of September we find that there were	\$83,383 46
Of past-due paper, mostly old, and in demand notes.....	72,838 93
Total.....	156,222 39

These demand notes were accommodation loans of long standing, which should be called past due as well; some of them, in fact the majority, have run for years in one shape or another. The bank is carrying some \$84,000 in real estate other than its banking house, to secure indebtedness which has also been carried for years. We further find that during its existence a sum amounting to over \$130,000 has been charged to profit and loss account for bad debts. A statement of these few facts, we deem it, is sufficient to show that the management of the bank has been, to say the least, unfortunate.

From the commencement of its business to the present time the bank seems to have paid no attention to the law limiting loans to one-tenth of its capital, as expressed in the following section of the national currency act:

SEC. 29. *And be it further enacted*, That the total liabilities to any association, of any person, or of any company, corporation, or firm, for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in: *Provided*, That the discount of *bona-fide* bills of exchange drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, or firm negotiating the same, shall not be considered as money borrowed.

That provision of law has been repeatedly transgressed both in letter and spirit, and the failure to comply with the provisions and the spirit of that law is the cause to which the failure of the bank is directly traceable. Technically, it might be said that the large amount due from Jay Cooke & Co. was in the nature of a deposit, but in face of the facts such an assertion is preposterous.

On the 18th day of September and at the date of its failure the house of Jay Cooke & Co. was indebted to the bank, in current account, in the sum of	\$748,960 69
They were further indebted as indorsers on paper of the Northern Pacific Railroad.....	100,000 00
And Henry D. Cooke, the president of the bank and one of the members of the same firm, was indebted in the sum of (on a note carried by the bank in some shape or other since January, 1868)	49,978 42
Total	1,98,939 11

The Northern Pacific Railroad indebtedness has been carried by the bank since the 17th day of July, 1872.

From the 1st day of August to the 18th day of September the current account of the firm of Jay Cooke & Co. was increased from \$238,682.76 to \$748,960.69, without security, over half a million of dollars; nearly \$300,000 of this increase was after the 1st day of September, and \$240,000 of that was on the 15th and 16th of September. These facts and figures are sufficient evidence, in view of the events which hap-

pened soon thereafter, that these large transfers of moneys were really loans made to bolster up and strengthen a firm in difficulties, and were not legitimate deposits.

Thus was the whole capital of the bank, its whole surplus and a part of its deposits, used by one firm, and that firm composed of the principal stockholders of the bank. Too severe terms cannot be used in condemnation of such an abuse of public and private funds intrusted to a national bank for safe-keeping and legitimate uses.

We are pleased to find that the Comptroller of the Currency was, some time ago, enabled to pay, out of the assets of the bank, a dividend of thirty per cent. to its creditors, and that he is now preparing the payment of another dividend of twenty per cent.

We present herewith amendments to sections 29 and 53 of the national currency act for your consideration, which, in view of the facts presented in the case before us, we deem it advisable to incorporate in the law.

C. B. FARWELL.

C. L. MERRIAM.

M. J. DURHAM.

Hon. HORACE MAYNARD,

*Chairman of Committee on Banking and Currency,
House of Representatives, Washington, D. C.*



ELIZA T. MOORHEAD.

MARCH 27, 1874.—Ordered to be printed.

Mr. JOHN B. HAWLEY, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred the petition of Mrs. Eliza T. Morehead, praying compensation for the loss of certain slaves, emancipated under the act approved April 16, 1862, and entitled "An act for the release of certain persons held to service or labor in the District of Columbia," having had the same under consideration, present the following report:

The committee are of the opinion that whatever may have been the rights of the claimant under the said act of April 16, 1862, such rights were taken away by virtue of the fourth section of the fourteenth article of amendment to the Constitution of the United States.

That section reads as follows: "But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slaves; but all such debts, obligations, and claims shall be held illegal and void."

Your committee do, therefore, ask to be discharged from the further consideration of said claim, and recommend that said petition do lie on the table.

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MARTHA A. ASHBURN.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN B. HAWLEY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2682.]

The Committee on Claims, to whom was referred the petition of Martha A. Ashburn, widow of George W. Ashburn, present the following report :

The committee find that this claim was originally presented to Congress by George W. Ashburn, and that he died in 1868, leaving as his widow the said Martha A. and several small children, then, and now, in great pecuniary embarrassment. In the Thirty-ninth Congress the Committee on Claims, of this House, reported a bill for the relief of the said George W., providing for the payment to him of the sum of \$3,838.37.

Your committee adopt the report accompanying said bill, as it contains a full statement of the facts. That report is as follows :

The Committee on Claims, to whom was referred the memorial of George W. Ashburn, praying for relief, have had the same under consideration, and make the following report :

That in October, 1862, the petitioner detected a Mr. Fred. Stuart, a British subject, following the retreat of General Buell's army, and engaged in the purchase of goods, to ship south, and thus to give aid to the rebellion against the Government, and at his own expense he placed a detective upon the track of said Stuart, and ascertained that he had purchased a large quantity of goods and deposited the same in the warehouse of a disloyal citizen, with the view of shipping them south.

The said goods were seized, and the facts which induced the seizure, together with the location of the same, were duly reported, and were in February, 1863, delivered to the United States marshal for the middle district of Tennessee. The claimant also furnished the evidence to the district attorney of the United States by means whereof said goods, except some brandy and whisky, were libeled for adjudication before the United States district court, at Nashville, Tenn.

A portion of said property, to wit, nine hundred and sixteen gallons of brandy and whisky, was used for the benefit of the sick and disabled soldiers of the United States upon the battle-fields of Stone-River.

It further appears that the name of the claimant was not used in said proceedings in court, whereby said goods were ordered to be sold, for the reason that at the time said proceedings were had he was on active duty in the army of the Cumberland, and was wounded in front of the enemy.

By an act of Congress of August 6, 1861, any person may file an information to initiate proceedings of condemnation, and in such case the proceedings shall be for the use of the United States and the informer, in equal parts.

The said property, with the exception of the brandy and whisky aforesaid, was condemned and sold, and the proceeds paid into the Treasury of the United States.

The one-half of said property amounts to the sum of \$3,838.37.

Though the claimant did not file the information, but was prevented therefrom by active military service, yet as his zeal and activity detected the property, and as he furnished all the necessary evidence for its seizure and condemnation, the committee think that he is entitled, in equity, to the one-half of the proceeds of the same; and therefore they report the accompanying bill and recommend its passage.

Your committee also refer to the following letter of the Secretary of the Treasury, and make it a part of their report herein :

TREASURY DEPARTMENT, July 16, 1866.

SIR : I have examined your petition, and the evidence filed in its support, requesting the payment to you of one-half the proceeds of certain goods condemned as forfeited to the United States by decree of the district court for the middle district of Tennessee, upon information or libel filed by the district attorney under the act of Congress approved August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes."

By your petition and the evidence, it appears that in the year 1862 you, at that time being a private citizen, and not an officer of the Government, detected one Stewart, who claimed to be a British subject, in attempting to cross the military lines of the United States Army, in the State of Tennessee, with goods from the North, for the purpose of sale within the insurrectionary States; that having ascertained his purpose and the locality of the goods, and obtained the necessary evidence, you caused them to be seized by the chief of police of the Army of the Cumberland, in whose custody they were kept until you were appointed president of a military customs board, which was organized by order of General Rosecrans for the purpose of securing captured and confiscable property to the use of the United States, when they were placed in charge of the board. Afterward, in January, 1863, a portion of the goods, valued at the sum of \$2,154, were taken for hospital use by the chief commissary of the Army, for which vouchers were given to you, and the goods were taken up and accounted for in his returns; and in February following the remainder of the goods, by order of General Rosecrans, were turned over by you to the United States marshal that proceedings might be instituted for their condemnation under the acts of Congress. In June following you also turned over to the marshal the vouchers representing the goods, with all the evidence for the prosecution of the libel; but being attached to the Army in the capacity before named, and the Army having been removed from Nashville, and remaining absent while the proceedings were pending, you were not present thereat, and, therefore, your name does not appear in the proceedings as informer against said goods, *although* you detected the designs of Stewart, *gave* the information upon which the goods were seized, and procured the evidence which secured their condemnation. The net proceeds of that part of the goods turned over by you to the marshal, amounting to the sum of \$5,522.95, were afterward paid by the clerk of the court to W. D. Gallagher, United States depositary at Louisville, Ky.

In consideration of the facts stated, you now ask that that portion of the proceeds of the property which by the provisions of the act of August 6, 1861, might have been given to the person filing the information, may be paid to you by my order out of moneys in the Treasury.

In answer to your request, I would say that the Secretary of the Treasury has no power to institute proceedings under the act of August 6, or to control or modify them while pending. In connection with them he has no other power or duty than to receive into the Treasury such sums derived from the property condemned as are paid to him in accordance with the decree of the court. These sums he receives for the benefit of the United States and cannot divert them to the use of others. The legal right of the person giving information to share in the property condemned is dependent upon his appearing as the informer in the record. The proceedings having been finally concluded, and the fund paid into the Treasury, however meritorious may be your claim, it would appear that it can only be recognized and satisfied by an act of Congress.

Respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Col. G. W. ASHBURN,
Washington, D. C.

In the first session of the Fortieth Congress a joint resolution passed this House providing for the payment to the said George W. of the sum of \$3,838.37.

The committee are of opinion that the case is fully sustained by the evidence, and recommend the passage of the accompanying bill providing for the payment to the said Martha A., as the widow of the said George W., of the said sum of \$3,838.37.

D. B. ALLEN & CO.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. J. B. HAWLEY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 439.]

The Committee on Claims, to whom was referred the bill (S. 439) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails, have had the same under consideration, and now present the following report :

The Senate Committee on Post-Offices and Post-Roads, for the present Congress, have submitted a report in this case, which was adopted by the Senate, and which your committee here adopt in the following words :

The Committee on Post-Offices and Post-Roads, to whom was referred the memorial of D. B. Allen & Co., representing the Atlantic Steamship and the Pacific Mail Steamship Companies, for compensation for carrying the United States mails during the suspension of the overland mail service in 1864 and 1865, beg leave to report :

The suspension of the overland mail service, by reason of Indian hostilities on the plains, took place in 1864; that the amount paid for said service annually was \$340,000, while \$160,000 annually was paid to said steamship companies for carrying printed matter and such letters as might be marked to be specially sent that way.

When the suspension occurred, leaving the entire Pacific slope without mails, the Postmaster-General applied to said steamship companies to carry the entire mails during the interruption of the overland route. The companies cheerfully complied, and for a period of about four months all mails of the United States for the Pacific were safely and expeditiously transported by them. For this service compensation is claimed.

The matter has been submitted to the Postmaster-General, who reports that there is justly due D. B. Allen & Co. the sum of twenty-one thousand five hundred and forty-three dollars, (\$21,543,) in strict conformity to the spirit of the law.

Your committee believe that said parties are justly entitled to a much larger sum; but that sum having been stated by the Postmaster-General as due, and as the parties mentioned prefer to take that sum rather than to provoke controversy and incur delay, will accept the sum in full discharge of the claim, report a bill for said sum. This claim would have been paid at the time the services were rendered if the Department had been in possession of funds with which to pay the same. A bill passed the Senate during the last Congress for the same purpose.

Your committee also report the additional fact that the same bill passed the Senate during the Forty-first Congress, and received the favorable action of the House Committee on the Post-Office and Post-Roads, and the bill that passed the Senate during the last Congress received the favorable action of the House Committee on Claims.

Your committee report back the bill and recommend that it do pass.

JOSEPH S. READ.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. LANSING, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2463.]

The Committee on Claims, to whom was referred the claim of Joseph S. Read for services as assistant doorkeeper of the House of Representatives from August 1, 1868, to November 10, 1868, report :

That it appears from the statement of said Read, C. E. Lippincott, William Moore, M. C., and Edward McPherson, Clerk of the House of Representatives, that said Read was discharged as assistant doorkeeper on the 25th day of July, 1868, said discharge to take effect after the adjournment of the then session of Congress ; that said Congress took a recess on the 1st day of August, and again from time to time, and finally adjourned on the 10th day of November, 1868 ; and that the said Read remained at the House, in the actual discharge of his duty as assistant doorkeeper, until said adjournment, and has received no pay therefor from August 1, 1868, to November 10, 1868, a period of three and a half months, an account for which Edward Spicer, superintendent of the House folding-room, certifies to be correct for \$395.72, at the rate of \$1,440 per annum ; that the reason why said account was not paid is that the money appropriated for that purpose was exhausted.

The committee therefore recommend the passage of the accompanying bill giving to said Read the said sum of \$395.72 in payment of said services.



PETERS & REED.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. DUNNELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 565.]

The Committee on Claims, to whom was referred the bill (H. R. 565) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860, have had the same under consideration, together with the papers and vouchers in the case, and respectfully report :

The chairman of the sub-committee from your committee addressed a letter to the superintendent of Bureau of Yards and Docks of the Navy Department, and received the following reply :

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., February 9, 1874.

SIR: The Bureau has the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing certain papers, and asking information in reference to the claim of Peters & Reed, as attorney for F. W. Parmenter and John E. McWilliams, contractors for work at Norfolk navy-yard.

The remote period at which this claim originated, and the incompleteness of the record, caused by the destruction of the yard during the late war, have caused some delay in answering your inquiries. The records of this Bureau have been carefully examined, with the following results :

On the 1st of July, 1859, a contract was made by the Bureau with John E. McWilliams as principal, and A. M. H. Peters, Washington Reed, and Holt Wilson as sureties, all of Portsmouth, Va., for the work necessary to complete the masonry of the victualling establishment at the Norfolk navy-yard. The price to be paid was \$10 per thousand for laying the bricks, to be paid to John E. McWilliams or his attorney.

On the 26th of August, 1859, a contract was made by the Bureau with F. W. Parmenter, of Troy, N. Y., as principal, and Sidney D. Roberts and Julius H. Kroehl, both of New York, as sureties, for the construction, erection, and completion of an iron roof to the said victualling establishment. The sum to be paid for this roof was \$18,000, to be paid to F. W. Parmenter or his attorney.

In both cases Peters and Reed were recognized as the agents and attorneys of the contracting parties.

With regard to the payments made on McWilliams's contract, it appears from the records of the Bureau that bills to the amount of \$13,303.25 were made and paid, except a reservation of \$2,661.65, and subsequently one-half of this reservation, \$1,330.83, was paid. There is no evidence on the files of the Bureau that the bills for \$2,758.73, \$2,266.63, or the reservation, \$1,330.83, have ever been paid.

The aggregate amount of McWilliams's contract is not stated, the price being \$10 per thousand for laying the bricks, while the number is not stated; nor is there any information in the Bureau by which it could be ascertained, as all the books and papers in the yard were destroyed when the navy-yard was burned.

The only payments on Parmenter's contract for the roof on record in the Bureau are one of \$7,200 and one of \$3,600, making \$10,800, and leaving a balance of \$7,200 to make the \$18,000.

It also appears from the records of the Bureau that the bill of \$777.99, and one of \$175, both for extra work on the roof, were authorized by the Bureau to be paid, but there is no evidence that either of these last three bills were paid.

The bill for \$661.71, in favor of Peters & Reed, for bricks, is noticed on the books of the Bureau, but there is no evidence of it having been paid.

In February, 1860, the appropriation for this work was exhausted, and the contractors, through the commandant, applied for permission to go on and complete their work and wait for payment until Congress should make appropriations to pay their bills. To this the Bureau interposed no objection and the parties proceeded with the work and completed their contracts in a satisfactory manner.

In the annual report of 1860 the Bureau asked for an appropriation to pay outstanding liabilities, on account of the victualling establishment and to complete the building; the appropriation was made on the 21st of February, 1861, for payment of liabilities and completing the building, but it was not available until the 1st of July, 1861, prior to which time the act of secession was passed, and the navy-yard at Norfolk was taken possession of by the insurgents in April, 1861, and the Navy Department ceased to have a disbursing officer at Norfolk.

The United States again came in possession of the yard in the latter part of May, 1862; the buildings in the yard had been destroyed by fire and the dry-dock disabled, and, under the emergency created by the exigencies of the war, it became necessary for the Department to avail itself of all the unexpended balances of appropriations to the credit of the Norfolk navy-yard; these balances are all condensed in one sum, and the money expended where needed without regard to former special allotment. The dry-dock was repaired and put in working order, and such buildings and wharves as were indispensably necessary to meet the demands of the service during a state of war were put in order; these, with other objects of most imperative necessity, were paid for out of this general fund.

The above is all the information this Bureau has on this subject. It has no knowledge of the payment of or the correctness of the copies of those bills. If any of them have been paid it is probable that a reference to the books of the Fourth Auditor's Office would show it.

The papers are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

C. R. P. RODGERS.

HON. MARK H. DUNNELL, of Minnesota,

House of Representatives, member of Committee on Claims.

On receipt of the above communication from the Navy Department, a letter was sent to the Fourth Auditor of the United States Treasury, to which the following reply was made:

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,

February 11, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday inclosing the papers in the claim of Peters & Reed, with a report thereon from the Bureau of Yards and Docks of the Navy Department. The papers and report are herewith respectfully returned.

An examination of the records of this Bureau shows the same result as the report above mentioned, viz: There has been paid on account of work and material on the victualling establishment at Norfolk the sum of \$24,108.25 only; and the bills now presented, amounting to \$15,170.89, do not appear to have been paid.

I am, very respectfully, &c.,

WM. B. MOORE,

Acting Auditor.

HON. MARK H. DUNNELL,

House of Representatives, member Committee on Claims.

The amount found due and unpaid in the above communications, as well as the items therein given, exactly agrees with the sworn vouchers found among the papers in the case; and also exactly agrees with the amount named in the bill.

Your committee find that there was due from the Government to the claimant, on the first day of January, 1861, on contracts made in 1859

and 1860, the sum of \$15,170.89, and further find that this sum remains unpaid.

This indebtedness existed prior to the rebellion. While the claimants took no part in the rebellion, and voted against the ordinance of secession; it is not claimed that they were free from sympathy in the rebellion; yet as this claim had been recognized by the executive and legislative departments of the Government, and in view of the policy adopted by Congress in making payment of the claims of the census-takers of 1860, your committee recommend the payment of the claim. Your committee deem it the better policy to pay individual claims well sustained in fact and equity, than pass a general law at the present time which shall admit a whole class irrespective of the merits of the several cases in the class.

○

J. L. TEDROW.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. J. Q. SMITH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 955.]

The Committee on Claims, to whom was referred the bill (H. R. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa, report as follows :

J. L. Tedrow was postmaster at Ottawa, Clarke County, Iowa. Mr. Tedrow makes oath that, on the night of the 22d of December, 1872, burglars blew open his iron safe, and took from it \$34.50 worth of postage-stamps belonging to the United States.

Thomas S. Harding testifies that he was employed at the post-office as assistant postmaster, at Ottawa. That on the morning of the 23d of December, 1872, he was early at the store of Mr. Tedrow, "and saw the appearance of the door having been violently broken open, the safe lying on the floor, with the appearance of having been struck by a heavy tool and then blown up by powder." He also testifies that "the stamps lost had been handed by me to the postmaster some short time before this occurrence, and that he saw him lock them up."

Thomas Adams testifies that he was early at the store of Mr. Tedrow, and saw the door of the store had been forced open and some considerable injury done to it. The safe was lying on the floor with its door blown off and some of its contents scattered around.

The committee recommend the passage of the accompanying bill.

○

JOSEPH NOCK.

MARCH 27, 1874.—Ordered to be printed.

Mr. JOHN Q. SMITH, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 962.]

The Committee on Claims, to whom was referred the bill (H. R. 962) for the relief of Joseph Nock, have considered the same and report as follows :

The bill is to authorize the payment to Mr. Nock of the sum of \$15,000 for the use by the United States of his patented improvement in inkstands for the last seventeen years.

Mr. Nock alleges that on the 13th of December, 1853, he obtained a patent for "improved inkstands and inkwell covers" for the period of fourteen years; that on the 13th of December, 1867, these letters-patent having expired by limitation of law, they were extended for the further period of seven years. Mr. Nock, in his petition, asserts that he has been greatly wronged by various persons infringing his patent. This may or may not be true. But whether true or untrue, it is not properly within the province of the committee to inquire. He had his remedy in case of an infringement of his patents in the courts. He alleges that on account of poverty he could not defend his rights. That surely makes no claim against the Government. He claimed his patent from the Government, under the law, just as every other citizen does, or did, and it was his privilege to defend his rights to all the profits and advantages of that patent, just as any other citizen must. It will not do to assert that it is in law, or equity, the duty of the Government to defend what is *claimed* to be the legal rights of a citizen in the courts, whether that citizen be rich or poor, or to compensate him when he fails to make good what he supposes to be his legal right to any property.

But Mr. Nock claims that the Government purchased his inkstands from manufacturers who were violating his patent-rights. Whether this be true or not true, the agents of the Government must have purchased its inkstands in open market, and simply occupied the position of any other purchaser. Mr. Nock's rights were not infringed by the Government, and consequently the Government is in no way responsible to Mr. Nock.

The committee can see no shadow of reason for the passage of this bill, and recommend that it do not pass.

DUNCAN MARR.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BURROWS, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2683.]

The Committee on Claims, to whom was referred the bill (H. R. 640) for the relief of Duncan Marr, a loyal citizen of Montgomery County, Tennessee, submit the following report:

On the 2d day of December, 1870, the claimant, Duncan Marr, made oath to the following claim against the Government of the United States, viz:

THE UNITED STATES TO DUNCAN MARR,	DR.
December 25, 1862, to September 20, 1863, for six thousand five hundred cords of wood, at \$2 per cord.....	\$13, 000
September 20, 1863, to July 1, 1865, for eight thousand five hundred cords of wood, at \$2 per cord.....	17, 000
Total	30, 000

Subsequently, and on the 31st day of July, 1871, the claimant made oath to the following additional claim, to wit:

That on and about the years 1864, 1865, and 1866, at or near Clarksville, Tenn., Capt. William Brunt, Sixteenth United States Colored Infantry, superintendent freedmen and acting assistant quartermaster, took from affiant—	
Seven thousand five hundred cords of good wood, lying near the Cumberland and Red Rivers, valued at \$2 per cord.....	\$15, 000
Seventy-eight thousand brick, at \$9 per thousand.....	702
One hundred and twelve thousand brick, at \$9 per thousand.....	1, 008
The use and occupation of one hundred and eighty acres of land from January, 1864, to January 1, 1866, at \$540 per year.....	1, 080
Total amount of second claim.....	17, 790

Making the entire demand of the claimant against the Government the sum of.....	47, 790
Subsequently the claimant withdrew so much of his second claim as had reference to wood, reducing the demand the sum of.....	15, 702

Leaving a balance claimed to be due of.....	32, 088
For wood, brick, and use of premises.	

These claims have been presented to the proper department of the Government for examination and settlement.

These claims arose from the use by the Federal troops and freedmen of the premises of the claimant, and the wood growing thereon, during and since the rebellion of 1861.

The first of these claims, for \$30,000, was filed December 2, 1870, and the second claim was filed with the Department July 31, 1871.

Upon the presentation of the first claim, and in July, 1871, the chief quartermaster of the Department of the South, Maj. A. R. Eddy, under the direction of the Quartermaster-General, investigated this claim, and August 7, 1871, made the following report :

HEADQUARTERS DEPARTMENT OF THE SOUTH,
CHIEF QUARTERMASTER'S OFFICE,
Louisville, Ky., August 7, 1871.

GENERAL: I have the honor to return herewith the claim of Duncan Marr, of Montgomery County, Tennessee, amounting to \$30,000, for quartermaster stores taken from him during the war by the Federal Army, with the information that upon an investigation made by James C. Wheeler, quartermaster agent, it is found that the wood, for which claim is made, was used by the troops stationed at Clarksville, Tenn., from 1862 up to, and for some time after, the close of the war. It consisted of standing timber, cut and hauled by the troops.

The land from which this timber was removed is situated within three-fourths of a mile of the city of Clarksville, and consisted of three different tracts, which were surveyed under the direction of the agent making the investigation, by which it is shown that one tract, lying on the north side of Red River, opposite Clarksville, contained 161½ acres, which averaged 50 cords per acre, (8,087½ cords.) One twenty-five (25) acre tract adjoining the corporation-line averaged 30 cords per acre, (750 cords.) The wood from the above-mentioned tracts was all removed. One other tract, containing 100 acres, one-fifth of which belonged to claimant, was also cleared by the troops; this averaged 50 cords per acre, and claimant's share was 1,000 cords, making a total of 9,837½ cords of wood taken from this claimant and used by the Army, mostly for fuel and lumber, a portion being used in constructing and repairing the bridges and trestles on the Louisville, Clarksville and Memphis Railroad. A camp of freedmen was established on claimant's land, under the direction of the Bureau of Refugees, Freedmen and Abandoned Lands. This camp remained upon claimant's land for some time after the close of the war, and all the fuel used at the camp was obtained from this land. From the situation of the timber, its nearness to the camps of the troops, and the general information obtained from the citizens of Clarksville and vicinity, it is evident the amount of wood stated above as taken from this claimant is not too large. Wood standing in the tree in that locality was worth \$1 per cord, which would be a just price to be allowed for this, making a reduction in the claim to \$9,837.50, which would be ample payment for the wood taken.

Mr. Marr remained at Clarksville during the war, availed himself of the first opportunity that offered to take the oath of allegiance, amnesty, &c., and faithfully observed them. He was a law-abiding citizen, and was never known to express other than loyal sentiments. Federal officers who knew him intimately from the first occupation of Clarksville until the close of the war do not hesitate to pronounce him as a loyal citizen. He took no part against the Government, but exerted his influence on the part of law and order at all times.

Very respectfully, your obedient servant,

A. R. EDDY,
Chief Quartermaster.

Brig. Gen. M. C. MEIGS,
Quartermaster-General U. S. A., Washington, D. C.

Upon presentation of the second claim, a second investigation was ordered, as appears by the following letter of the Quartermaster-General, indorsed on the foregoing report :

QUARTERMASTER-GENERAL'S OFFICE,
December 19, 1871.

Respectfully returned to Maj. A. R. Eddy, chief quartermaster Department of the South, Louisville, Ky., for re-investigation and report in connection with another claim in favor of the same person, recently filed in this Office.

By order Quartermaster-General:

M. I. LUDINGTON,
Quartermaster, United States Army.

Upon such second investigation the following report was made:

NASHVILLE, June 6, 1872.

COLONEL: The two claims in favor of Duncan Marr, of Montgomery County, Tennessee, and all papers pertaining thereto, are herewith returned, and the following report respectfully submitted:

Claim No. 1, for \$30,000, was filed December 2, 1870, to recover pay for 15,000 cords of wood, at \$2 per cord. In July, 1871, this claim was investigated by James C. Wheeler, quartermaster agent, for Maj. A. R. Eddy, who had a survey made of all the land from which wood or timber was cut by the Federal authorities, and on August 7, 1871, Major Eddy filed a report, herewith inclosed, marked A, (before quoted,) which I respectfully ask to be made a part of this report. I went upon the land from which the wood and timber was taken, and am satisfied that the allowance made by Agent Wheeler of 50 cords per acre on 181½ acres, and of 25 cords per acre on 20 acres, is a liberal allowance; and that the price awarded (\$1 per cord for standing wood,) is also a liberal price for wood in that locality at that time.

Claim No. 2, for \$17,790, was filed July 31, 1871, as claimant says, against his judgment, so far as relates to wood and timber. Attention is invited to the affidavit of claimant, herewith inclosed, marked B, in which he expresses a wish to withdraw the second claim so far as relates to wood and timber, but that the papers be retained to corroborate claim No. 1, which was investigated by Captain Wheeler.

The items for brick and rent of land mentioned in the second claim the claimant desires should be considered in connection with claim No. 1, before mentioned.

[Here follows a report as to the bricks, which will be considered in briefing claim No. 2.]

By reference to the first statement of Capt. William Brunt, of the Sixteenth United States Colored Infantry and acting assistant quartermaster, herewith inclosed, and attached to the second claim, marked D, it will be seen that he estimates the quantity of wood and timber used by him for the benefit of freedmen, for fuel and building purposes, from May 28, 1864, to about January 1, 1866, at 7,500 cords, the number of freedmen being 6,000 or more.

The last statement in reference to wood is given as answering the inquiry of the Quartermaster-General, of December 19, 1871, indorsed on the back of claim No. 2, in pencil.

Also claimant and witnesses estimate that 300 cords of wood taken from claimant's land (if put into cord-wood) was used in the construction of fortifications, block-houses, and defenses.

The merits of the two claims collectively then stand as follows: 9,837½ cords of standing wood and timber as awarded by James C. Wheeler, and approved by Maj. A. R. Eddy, August 7, 1871, as covering all wood and timber taken by the Federal authorities from the commencement to the close of the war, and until the winding up of military operations at Montgomery County, Tennessee, in 1866, at \$1 per cord for standing wood, \$9,837.50.

If the Quartermaster-General, United States Army, cannot pay for the stores taken and used for freedmen and refugees, nor for timber used in the construction of fortifications, block-houses, &c., then deduct the following from the above amount:

7,500 cords of wood taken by Capt. William Brunt, and used for the benefit of freedmen and refugees.....	\$7,500 00
300 cords of timber put in fortifications, at \$1.....	300 00
Total.....	7,800 00

Very respectfully,

[In duplicate.]

Lieut. Col. JAMES A. EKIN,

Dep. Q. M. Gen., U. S. A., and Chief Q. M. Dep. South, Louisville, Ky.

J. E. STEVENS,
Quartermaster Agent.

Upon these reports being made to the Quartermaster-General of the United States, he referred the same to the Third Auditor of the Treasury, with the following recommendation:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 10, 1873.

SIR: I have the honor to inclose herewith two claims of Duncan Marr, a citizen of Montgomery County, Tennessee, presented to this Office under the act of July 4, 1864, and stated as follows:

DUNCAN MARR.

Claim No. 1.

For 6,500 cords of wood, at \$2 per cord.....	\$13,000 00
For 8,500 cords of wood, at \$2 per cord.....	17,000 00
Total.....	30,000 00

Claim No. 2.

For 7,500 cords of wood, at \$2 per cord.....	\$15,000 00
For 78,000 brick, at \$9 per thousand.....	702 00
For 112,000 brick, at \$9 per thousand.....	1,008 00
For rent of 180 acres of land, from January 1, 1864, to January 1, 1866....	1,080 00
Total.....	17,790 00

So much of claim No. 2 as is for timber, has been withdrawn by the claimant, it being a duplicate of claim No. 1.

The charge for rent in claim No. 2 has not been considered, this Office having no jurisdiction, under the law of 1864, in cases of rent arising in the State of Tennessee during the rebellion.

An examination of the claims has shown that the larger portion of the timber proved as taken, was used for the comfort of freedmen, and that some of the brick charged for were put to a like use. A statement showing the quantity of timber and brick proved as taken, embracing both claims, and distinguishing that chargeable to freedmen from that chargeable to the Army, has been prepared, and is inclosed, marked X.

This Office has no power to settle claims for wood and brick used by the Freedmen's Bureau.

The evidence establishes the loyalty of the claimant, and I respectfully recommend for settlement under the act of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores, &c.," the following described property taken for the use of, and used by, the United States Army:

On claim No. 1.

For 2,037½ cords of wood, at \$1 per cord.....	\$2,037 50
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On claim No. 2.

For 112,000 brick, at \$8 per thousand.....	896 00
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Making a total of..... 2,933 50

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

The THIRD AUDITOR,
United States Treasury, Washington, D. C.

X.

THE UNITED STATES IN ACCOUNT WITH DUNCAN MARR.

(1.)

The Quartermaster's Department.

Claim No. 1.

2,037½ cords of wood, at \$1 per cord.....	\$2,037 50
--	------------

Claim No. 2.

112,000 brick, at \$8 per thousand.....	896 00
	2,933 50

(2.)

*The Freedmen's Bureau.**Claim No. 1.*

7,500 cords of wood, at \$1 per cord \$7,500 00

Claim No. 2.

22,000 brick, at \$8 per thousand 224 00
 7,724 00

To accompany letter of Quartermaster-General, of March 10, 1873, to the Third Auditor.

By the following letter from the Third Auditor's Office, it will appear that so much of this claimant's demand as relates to quartermaster stores has been paid in full :

TREASURY DEPARTMENT,
 THIRD AUDITOR'S OFFICE,
 Washington, D. C., February 5, 1874.

SIR: In pursuance of request by your committee, per George C. Smithe, clerk, I herewith transmit the papers pertaining to the claim of Duncan Marr.

By Treasury settlement No. 2,494, of March, 1873, there was allowed and paid upon this claim as follows:

For 2,037½ cords wood, at \$1 per cord \$2,037 50
 For 112,000 brick, at \$8 per thousand, (used by Quartermaster's Department)... 896 00
 2,933 50

Very respectfully,

ALLAN RUTHERFORD,
Auditor.

Hon. JOHN B. HAWLEY,
Chairman Committee on Claims, House of Representatives.

From the report of the Quartermaster's Department it appears there is justly due the claimant the sum of \$8,024, as follows:

On Claim No. 1.

For 7,500 cords of wood, at \$1 per cord \$7,500
 For 300 cords of timber for fortifications, &c 300

On Claim No. 2.

22,000 brick, at \$8 per thousand 224

Total 8,024

On the 2d of April, 1873, this claim was referred to the Adjutant-General, U. S. A., and by him referred to the Third Auditor of Treasury and by the Third Auditor to the Second Comptroller, as will appear by the following letters:

TREASURY DEPARTMENT,
 THIRD AUDITOR'S OFFICE,
 Washington, D. C., April 22, 1873.

SIR: I have the honor herewith to transmit the papers in the claim of Duncan Marr, for action upon so much thereof as pertains to the Freedmen's Bureau. By settlement No. 2,494, (March, 1873,) the sum of \$2,933.50 has been paid to the claimant.

Please return the papers.

I am, very respectfully, your obedient servant,

ALLAN RUTHERFORD,
Auditor.

Brig. Gen. E. D. TOWNSEND,
Adjutant-General, U. S. A.

H. Rep. 308—2

WAR DEPARTMENT,
Adjutant-General's Office, May 2, 1873.

Respectfully returned to the Third Auditor, United States Treasury, with the information that this Office has no jurisdiction over claims of this character, and no funds from which payment can be made.

It is, therefore, unnecessary at this time to consider the justice of the claim or to consult the records of the late Freedmen's Bureau for verification thereof.

E. D. TOWNSEND,
Adjutant-General.

TREASURY DEPARTMENT,
Third Auditor's Office, November 20, 1873.

Respectfully referred to the Second Comptroller for his decision on so much of the within claim as refers to the 7,500 cords of wood at \$1 per cord, \$7,500; and 28,000 bricks at \$8 per thousand, \$224; making the aggregate sum of \$7,724.

These items were not considered by the Quartermaster-General in his recommendation for the settlement of the quartermaster's stores, included in the claim, for the reason that the wood and bricks above mentioned were appropriated to the use of the Freedmen's Bureau.

There is a small balance, about \$300, standing on the books of this Office to the credit of the "Bureau of Refugees, Freedmen and Abandoned Lands," prior to the 1st of July, 1870.

A. M. GANGEWER,
Acting Auditor.

Respectfully returned to the Third Auditor. There appears to be no provision of law for the payment of claims of this character. The act of July 4, 1864, authorizes payment only for such quartermaster's stores as were "actually received or taken for the use of, and used by, said Army."

As the stores for which pay is claimed were not taken for, or used by, the Army, this law does not apply.

Even if there were no legal objections, there is no appropriation available out of which payment can be made.

I therefore see no other remedy for claimant than an application to Congress for relief.

J. M. BRODHEAD,
Comptroller.

SECOND COMPTROLLER'S OFFICE,
November 22, 1873.

The evidence in the case fully establishes the loyalty of the claimant, and the report of the Quartermaster-General is fully sustained by abundant proofs, and your committee are clearly of opinion that there is justly due the claimant the sum of eight thousand and twenty-four dollars, (\$8,024,) and therefore report the bill for his relief back to the House, with recommendation that the accompanying substitute be passed.

WILLIAM SAUNDERS.

MARCH 27, 1874.—Ordered to be printed.

Mr. HAMILTON, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 1030.]

The Committee on Claims have had under consideration the bill (H. R. 1030) for the relief of William Saunders, and respectfully report that the claimant, who at the time the services were rendered was a clerk in the Department of Agriculture, claims for extra services for compiling 38 pages of matter for the report of 1870-'71, at \$8 per page..... \$304
And for drawings for said report..... 25

Together..... 329

By the act of Congress of July 12, 1870, it is declared that no moneys appropriated for contingent, incidental, or miscellaneous purposes, shall be expended or paid for official or clerical compensation. This act was evidently intended to cut off any allowance for extra services, and the claim was not paid by the Department by reason of said act. This falling as well within the letter as the policy of the act of Congress, the committee cannot recommend its allowance, but recommend that the bill do lie on the table.

R. W. CLARK.

MARCH 27, 1874.—Ordered to be printed.

Mr. HAMILTON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1972.]

The Committee on Claims, having had under consideration the bill (H. R. 1972) for the relief of R. W. Clark, respectfully report:

The claimant asks to have the sum of \$110 paid to him, being that amount deducted from his pay while a clerk in the Post-Office Department, for absence while sick. It appears that the Third Assistant Postmaster General, in whose department he was serving, notified him that the work of the office required a substitute, and that a substitute would be employed in his place at \$40 per month, the lowest amount for which his place could be filled, and that his place was supplied at that rate by a substitute, and the amount thus paid for a substitute was deducted from the pay of the said R. W. Clark, for which he now asks Congress to make him an allowance.

The committee cannot see that there is either merit in the claim, or propriety in coming to Congress with it. It was but just, if he was unable to perform the duties, and failed to procure a substitute, that the cost of a supply should be deducted from his pay; besides, this was properly a matter for the regulation of the Department, or for the determination of the Court of Claims. In consideration of the whole matter the committee report adversely to the claim, and that the bill do lie on the table.

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HENRY K. SANGER.

MARCH 27, 1874.—Ordered to be printed.

Mr. HAMILTON, from the Committee on Claims, submitted the following

REPORT :

The Committee on Claims, to whom was referred the claims of the estate of Henry K. Sanger, deceased, and of his son, Henry P. Sanger, have had the same under consideration, and respectfully report :

The claim, on the part of the estate, is for additional compensation while United States depositary at Detroit, Mich., from July 1, 1861, until June 30, 1864	\$1, 500 00
For the amount short in his postal-currency account covering said period	1, 500 00
For office-expenses	300 00
For Carlisle overdraft	65 00
	<hr/> 3, 365 00
And the claim of the son, Henry P. Sanger, is for clerk-service rendered his father during said term.....	4, 462 50
	<hr/> 7, 827 50
In all	

The committee, upon request made of the Secretary of the Treasury, have received the following communication :

TREASURY DEPARTMENT,
Washington, D. C., March 11, 1874.

SIR: In reply to your letter of the 7th instant, transmitting, for such information respecting them as I might be able to give, the claims of the estate of Henry K. Sanger, deceased, and of his son, Henry P. Sanger, I have the honor to state that the records of the Department show Mr. Henry K. Sanger to have held the office of receiver of public moneys, at Detroit, Mich., and that as such he was designated a United States depositary, under the act of August 6, 1846, performing the duties pertaining to that position from July 1, 1861, until June 30, 1864; that during that time there was paid him as receiver, on account of salaries and commissions, as shown by the letter of the Commissioner of the General Land-Office, of March 15, 1865, on file in the Department, the sum of \$2,216.09, and as United States depositary, on account of commissions, under the act of March 2, 1853, the sum of \$3,910.30, being the entire amount of compensation to which he is entitled as depositary under that act. I further find that there was allowed him, as receiver, for "incidental expenses," \$291.11, and as United States depositary, for "contingent expenses," the sum of \$114.50. I do not find that Mr. H. K. Sanger, as United States depositary, was ever authorized to employ any clerk, book-keeper, or teller, or that he ever asked for such authority. The amount of Mr. Henry P. Sanger's bill, therefore, is not a proper charge upon the Treasury.

Of the other items mentioned in the claim of Henry K. Sanger, I can find no record and know nothing. In view of the facts, as herein stated, had either or both of these claims been presented to the Department, which it appears they have not, they would doubtless have been rejected.

The claims are respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,

WM. A. RICHARDSON,
Secretary.

Hon. ROBERT HAMILTON,
Committee on Claims, House of Representatives.

The committee, in view of the information thus acquired from the Department, cannot find anything in the evidence or merits of the claims, or either of them, that in their opinion would justify a recommendation for their allowance, and they recommend that the bill and claim lie on the table.

○

S. D. HICKS.

MARCH 27, 1874.—Referred to a Committee of the Whole House and ordered to be printed.

Mr. HOWE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2332.]

The Committee on Claims, to whom was referred the bill (H. R. 2332) for the relief of S. D. Hicks, administrator of R. M. Harvey, beg leave to submit the following report:

In January, 1868, the United States seized a lot of manufactured tobacco, tools, &c., at the factory of Hicks & Crosby at Richmond, Va., for violation of the internal-revenue laws, and the same were sold by order of the United States district court for the eastern district of Virginia.

R. M. Harvey presented his petition to the court, showing that a part of the tobacco seized and sold was his property, having been stored by him in the factory of Hicks & Crosby, and it being satisfactorily proved to the court that said tobacco was not liable to seizure, the register of the court, by a decree dated June 19, 1868, was ordered to pay to R. M. Harvey \$355.25, the proceeds of said tobacco thus sold. Harvey was taken sick and died, and never received the money due him under the decree, and the same was by error of the register paid into the Treasury of the United States with the balance of the money due the United States from the proceeds of this sale and an order of distribution dated May 26, 1869.

These facts are very clearly stated in a decree of said district court, dated Richmond, February 18, 1874, which makes the following order:

"It is therefore adjudged, ordered, and decreed by this court that the amount hereinbefore stated, to wit, three hundred and fifty-five and $\frac{3}{10}$ dollars, is justly and lawfully due to the said Samuel D. Hicks, administrator, &c., of the estate of R. M. Harvey, deceased, and is chargeable as against the funds covered into the Treasury of the United States by the said decree of distribution of May 26, 1869, and ought to be paid out of any money in the Treasury of the United States not otherwise appropriated under and by virtue of the provision of the act of Congress approved July 23, 1866, section 12, United States Statute XIV, page 208."

Under this decree the case was presented to the Treasury Department for payment, and payment refused by the First Comptroller on the ground that the case did not come within the law.

In view of these facts it is the opinion of your committee that the claim ought to be paid, and we therefore recommend the passage of the bill.

DANFORD MOTT.

MARCH 27, 1874.—Referred to a Committee of the Whole House and ordered to be printed.

Mr. HOWE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2684.]

The Committee on Claims, to whom was referred the bill (H. R. 851) for the relief of Danford Mott, have examined the same, and beg leave to make the following report :

This claim was first presented to the Court of Claims, which, after a careful and lengthy examination, reported to Congress, in April, 1860, in favor of Mr. Mott, to the amount of \$2,707.92, the amount named in the bill before the committee, \$2,829.92, being the sum asked for by the claimant. Before Congress acted on the report the war came on and matters of this sort had to lie over.

Judge Hughes, in delivering the opinion of the court, among other things, says:

"The claimant was the deputy collector of customs for the district of Vermont, on the 7th day of November, 1838, when the transaction on which his claim is founded took place, and for some time before and since.

"The civil commotions then existing in Canada, commonly called the 'Patriot War,' had arrayed a portion of the people of that province in arms against their government, and the citizens of the United States along the border sympathized with the insurgents and furnished them aid in men and munitions of war.

"Congress, by the act of March 10, 1838, prohibited the interference of the people of the United States in the civil war in Canada; and both the President and the governor of Vermont issued their proclamations respectively enjoining upon the citizens of the United States obedience to law.

"A vessel called the General McComb, belonging to DeClancey Stoughton, and laden with arms for the rebels in Canada, was seized at Rouse's Point, on Lake Champlain, by the officers of the United States Army stationed at that point, and the arms taken out of the vessel. The claimant in this case, in his capacity of deputy collector of Vermont, at the request of the officers of the Army and in pursuance of his official duty, had to some extent participated in the seizure of the vessel. For this, Stoughton, the owner of the vessel, sued him in the State court of Vermont. The suit began in 1839, and ended in 1856. The suit, however, finally resulted in a judgment in favor of the defendant, who is the claimant in this case. In defending this suit for

seventeen years in the various courts, the claimant employed two lawyers, Messrs. Adams and Beardsley. Upon their application, the district-attorneys of the United States in office during the pendency of the litigation by direction of the proper department rendered their professional assistance. The Government also, upon the application of the claimant, ordered certain officers of the Army cognizant of the facts attending the seizure of the vessel to attend the trial and give evidence."

Claimant in the bill now asks relief for his expenses and time in defending the suit brought against him for the discharge of his official duty as an officer of the Government in enforcing an act of Congress.

The bill of particulars shows that if the amount claimed, \$1,505.28, is for counsel-fees paid and assumed to Messrs. Adams, and Beardsley, and Brown, whose respective accounts are proved, the remaining amount of the sum originally claimed, \$1,324.64, is for costs incurred in the State courts, expenditures, and personal service. Of this latter amount the court disallowed, for reasons set forth, \$122.

Your committee, after a careful examination of the case, being satisfied said Mott has incurred a loss of the amount claimed in the bill, because of having performed a duty incumbent upon him as a United States officer, and believing that in justice he should not be compelled to personally sustain the loss because of having been faithful to the Government, and not seeing in any of the charges which make up the aggregate of the amount claimed, any that are unreasonable or exorbitant, are of the opinion that the claim of Mr. Mott is a just one, and therefore report the accompanying bill back to the House as a substitute, with the recommendation that it do pass.



JOHN ALDREDGE.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. LAWRENCE, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 1104.]

The Committee on War-Claims, to whom was referred the bill (H. R. 1104) for the relief of John Aldredge, having had the same under consideration, ask leave to report:

That they find, from the evidence submitted with the bill, that there was an irregular force of rebel troops made a raid upon Henderson Station, Tennessee, on or about the 25th of November, 1862, and captured the post, with the garrison, and destroyed a large amount of public and private property, and that there was an assessment made by proper military authority of the United States upon certain disloyal citizens living in the vicinity of said military post to reimburse the Government and loyal citizens that had suffered by said rebel raid; and that, upon proper investigation, John Aldredge's loss was alleged to be \$9,606.36, and that the money was collected; and that part intended to reimburse the Government went into and was used in the military railroad department, and the remainder, or that part intended to indemnify the loyal citizens who had suffered loss by said rebel raid, went into the Quartermaster's Department, as shown by evidence obtained from the Third Auditor's and Quartermaster-General's Offices, and was accounted for and turned over to the Treasury of the United States. The evidence shows Mr. Aldredge, the claimant, to have been a loyal citizen of the United States during the late rebellion, and your committee are therefore of the opinion that he is entitled to the amount so collected for him and covered into the United States Treasury, and accordingly report back the said bill H. R. No. 1104 with a substitute, and recommend the adoption of the said substitute.

ALBERT F. YERBY, ADMINISTRATOR.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. ISAAC W. SCUDDER, from the Committee on War-Claims, submitted the following

R E P O R T :

[To accompany H. R. 2688.]

The Committee on War-Claims, to whom was referred the claim of Albert F. Yerby, administrator of Addison O. Yerby, deceased, submit the following report :

Addison O. Yerby was a citizen of the United States, residing in the county of Richmond and State of Virginia, and said to be a loyal citizen of the United States. He was the owner of a saw-mill, situated on his farm on Dividing Creek, in the county of Northumberland and State of Virginia, and had, as he by his representative claims, at said mill one hundred and fifty thousand feet of lumber, worth at the time \$25 per thousand feet, and which was valued at \$3,750. This lumber was taken by the Government of the United States, in the year 1863, and transported by steamers to Point Lookout, in the State of Maryland, and there used in the construction of wharves and other building purposes.

He had also, as is claimed, an ox-beef, which was slaughtered on his farm by the order of the commander of the gun-boat Currituck, which gun-boat was a guard-boat of the transport steamers, by which the lumber was carried away, which beef was valued at \$50, as stated.

The claim also covers two mules and four horses, which were valued, as stated, at \$1,250, which were seized and taken by the Eighth Illinois and Twelfth New York Regiments, and which were taken to the Army of the Potomac, then under the command of General Joseph Hooker. This seizure took place in the latter part of May or the fore part of June, 1863.

Addison O. Yerby died on the 1st day of January, 1866, leaving a widow and two children. Letters of administration have been granted on his estate.

The claims for the lumber and the ox-beef, and the horses and mules, would come within the equity of the act of Congress of 3d March, 1871, which made provision for the payment of stores or supplies which were taken from loyal men.

It is therefore requested that the claim for the ox-beef and lumber, horses and mules, be referred to the commission of claims for adjudication, and that Congress shall confer jurisdiction to that effect, should any doubt or difficulty from any cause exist.

EMILLE LEPAGE.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. I. W. SCUDDER, from the Committee on War-Claims, submitted the following

REPORT :

[To accompany bill H. R. 2689.]

The Committee on War-Claims, to whom was referred the memorial of Emille Lepage, of Norfolk, Va., surviving partner of the firm of Lepage Brothers, having had the same under consideration, report :

That it appears from the evidence that on or about the first day of January, 1865, the said Lepage Brothers were in possession of twenty-five bales of cotton at Pitch's Landing, in the State of North Carolina; that Major-General Butler, commanding the department, being satisfied as to the loyalty of the said Lepage Brothers, and that they were the owners of said cotton, issued an order permitting them to remove said cotton from said landing; but that before they could remove it a naval expedition seized the same as the property of the so-called Confederate States, and it was subsequently libeled in the prize court for the eastern district of Pennsylvania. It further appears that the cotton was condemned and sold, and the proceeds paid into the Treasury of the United States, without prejudice, however, to the claim of the memorialists, and that, in consequence of the fact that the cotton was under the control of and subject to the order of the said prize court, which did not render its decision in the case until July, 1867, the memorialists were unable to prosecute their claim in the Court of Claims, as provided by the act of March 12, 1863.

Your committee are of opinion, in view of these facts, that the said Emille Lepage, surviving partner of the firm of Lepage Brothers, is equitably entitled to the relief prayed for, and to that end report the accompanying bill authorizing the said Emille Lepage, surviving partner of the firm of Lepage Brothers, to institute suit in the Court of Claims for the recovery of the proceeds of said cotton paid into the United States Treasury, and recommend its passage.

W. J. MCINTYRE.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War-Claims, submitted the following

REPORT :

[To accompany bill H. R. 311.]

The Committee on War-Claims, to whom was referred the bill (H. R. 311) for payment for services performed by William J. McIntyre, having had the same under consideration, ask leave to report :

That the claimant, William J. McIntyre, was on the 7th day of August, 1864, commissioned by the governor of Illinois a second lieutenant in Company C, Eleventh Regiment Illinois Infantry, and immediately assumed command of his company, the captain and first lieutenant being absent, and continued in command of the company for several months thereafter.

At the time he received his commission as second lieutenant, on the 7th of August, the mustering officer of his command was absent, and very soon thereafter his command was ordered to join that of Major-General Herron at Port Hudson, and participated in the campaign that followed in Western Louisiana, the claimant commanding his company and participating in as well as leading the advance at the battles of Jackson and Clinton. It was not until the 30th day of October that an opportunity presented itself to the claimant to be mustered.

The claimant is indorsed by the Hon. George C. McKee, of Mississippi, and the Hon. William T. Jones, of Wyoming Territory, as a gentleman of the highest character, both as a soldier and a citizen.

The committee finding that the claimant not only did perform the duties of second lieutenant as alleged during the time intervening between the 7th day of August and the 30th day of October, 1864, but that he was in actual command of his company, participating in several dangerous engagements, and that his failure to be mustered was through no fault or negligence of the claimant, are of the opinion that he has a just and equitable claim against the Government, which ought to be paid, and for that purpose report back the bill (H. R. 311) and recommend its passage.

DAVID KLEIM.

MARCH 27, 1874.—Ordered to be printed.

Mr. JAMES WILSON, from the Committee on War-Claims, submitted the following

REPORT :

The Committee on War-Claims, to whom was referred the petition of David Kleim, praying compensation for the use by the Government of his invention, having had the same under consideration, report :

That the petitioner claims to be the inventor of a certain ponton-bridge for use by armies in crossing rivers ; that at the breaking out of the rebellion he was residing in Canada, and was advised to send his invention to the Federal Government at Washington, which he did, and soon afterward visited Washington in person ; that on his arrival he ascertained that his said invention was being used by the Government ; that he has frequently attempted to obtain compensation for such use, without success, from the War Department, and also by order of the President.

Your committee are unable, from the evidence presented, to find anything substantiating the claim made by Mr. Kleim, and therefore report back the petition and ask that it be laid upon the table.

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MARK DAVIS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War-Claims, submitted the following

REPORT :

The Committee on War-Claims, to whom was referred the petition of Mark Davis, having had the same under consideration, report :

That the petitioner, Mark Davis, is, and always has been, a loyal citizen of the United States ; that during the rebellion, and for many years prior thereto, he resided at Petersburg, in the State of Virginia.

He was formerly a merchant carrying on business in Virginia and at New Orleans, but some years before the rebellion retired from business, and was living at Petersburg, his place of residence, mainly on the income of the real estate described in his petition, which he owned in the city of New Orleans, and which was in the charge of his agent, Mr. Edward Barnett, who leased it and received rents on account of Mr. Davis. Mr. Davis is an aged man and an invalid, and during the entire rebellion was confined to his domicile in Petersburg. On the 14th of February, 1863, the following requisition was made upon Mr. Edward Barnett, the agent of Mr. Davis, at New Orleans :

OFFICE OF CHIEF QUARTERMASTER,
DEPARTMENT OF THE GULF,
New Orleans, February 14, 1863.

EDWARD BARNETT, Esq. :

SIR: You are hereby ordered to pay to Colonel Holabird, or to me, at this office, forthwith, all money, notes, bills, or other funds, and all evidence of debts due to or belonging to one Mark Davis, of Virginia, now in your hands, or in any way under your control.

Respectfully, yours,

JNO. W. MCCLURE,
Assistant Quartermaster.

In compliance with this requisition, Mr. Barnett, who had been the agent of Mr. Davis for over thirty years, delivered to the military authorities the possession of two stores, then under lease at the rate of \$7,500 per annum ; two other stores then under lease at the rental of \$166.66 per month, and certain other real estate then under lease at \$30 a month, together with forty-one promissory notes, each for six hundred and twenty-five (625) dollars, and maturing monthly from the first of July, 1862, until the first of November, 1865, given by H. Hollander and H. Weber, the first note being credited with five hundred (500) dollars, paid thereon on the 9th of August, 1862; and also fourteen other promissory notes, each for \$166.67, made by Booth & Co., and maturing monthly from the 30th of September, 1862, until the 31st of October, 1863, the first note being credited with the seventy-five (75)

dollars paid thereon. These notes amount in the aggregate to \$27,958.24 without interest. They were all good, and were paid by the makers at maturity.

Possession of the real estate was restored to Mr. Davis some time in the year 1865.

Mr. Davis, believing that his residence within a State in rebellion rendered it proper that he should apply for and obtain a pardon, did so apply, and obtained a pardon from the President of the United States on the 29th day of July, 1865.

Annexed to the memorial of the petitioner, together with certain exhibits and proofs, are—

An affidavit of sundry citizens of the State of Virginia, marked Exhibit A;

Requisition upon Edward Barnett by John W. McClure, assistant quartermaster, marked Exhibit B;

Affidavit of Edward Barnett, marked Exhibit C; and the

Receipt of S. B. Holabird, colonel and chief quartermaster, for the property seized, marked Exhibit D.

EXHIBIT A.

We, the undersigned, citizens respectively of Petersburg, in the State of Virginia, having been severally sworn, do depose and say we have known Mark Davis, senior for many years; that previous to the year 1843 he was engaged in active business partly in this city and partly in New Orleans, his home, however, being here. Since about the time last aforesaid the said Mark Davis, senior, has lived retired from business, and without occupation. From the proceeds of his business a large portion of his property was invested in real estate in the city of New Orleans, the rents and profits of which constituted a like proportion of his income.

Mr. Davis has always been an exemplary citizen, and a truthful and honorable man. He took no part whatever in the rebellion, directly or indirectly, but to manifest, either by words or acts, sentiments of loyalty to the Government of the United States during the rebellion would have subjected him to every annoyance and a very great peril, both in person and property. He was protected both by age and infirmity from being called upon to serve the Confederate States, or promote the rebellion in any way whatsoever, and led a life of entire repose and quiet seclusion from affairs from the beginning to the end of the rebellion. We do not hesitate to say that any statement Mr. Davis may make is entitled to implicit confidence and belief.

D. AVERY PAUL.
A. G. McILVANE.
C. A. YOUNG.
JAMES N. DONNAN.
REUBEN RAGLAND.
T. T. BROOKS.

City of Petersburg, to wit:

I, Drury A. Hinton, notary public for the corporation aforesaid, in the State of Virginia, do certify that D. Avery Paul, A. G. McIlvane, R. A. Young, James M. Donnan, Reuben Ragland, and T. T. Brooks, whose names are signed to the writing above, this day personally appeared before me in said corporation, signed their names to the same, and made oath respectfully to the truth of the statements therein contained. Given under my hand and national seal this 25th day of April, anno Domini 1872.

DRURY A. HINTON,
Notary Public.

EXHIBIT B.

OFFICE OF THE CHIEF QUARTERMASTER,
DEPARTMENT OF THE GULF,
New Orleans, February 14, 1863.

SIR: You are hereby ordered to pay to Colonel Holabird or to me, at this office, forthwith, all money, notes, bills, or other and all evidence of debts due to or belonging to one Mark Davis, of Virginia, now in your hands, or in any way under control.

Respectfully, yours,

JOHN W. McCLURE,
Assistant Quartermaster.

EXHIBIT C.

Affidavit of Edward Barnett.

Edward Barnett, notary public and commissioner of deeds, 18 Royal street, Merchants and Auctioneers' Exchange.]

NEW ORLEANS, November 22, 1871.

STATE OF LOUISIANA,

City of New Orleans :

I, Edward Barnett, of the city of New Orleans, do hereby certify and declare that, as the agent and attorney in fact of Mark Davis, senior, of Petersburg, Va., under power of attorney from him dated April 4, 1851, I was in possession of the following described improved properties, rights, and credits belonging to him in this city, viz :

First. Two stores in square bounded by Saint Charles, Camp, Common, and Gravier streets, both fronting on Saint Charles street, and forming the corner of Common street, valued at \$60,000, and rented to Hollander and Weber at \$7,500 per annum, payable monthly.

Second. Stores Nos. 34 and 36 Magazine street, in square bounded by Magazine, Tchoupitoulas, and Gravier streets and Natchez alley. No. 34 rented at \$65 per month, No. 36 rented at \$166.66½ per month, and valued at \$55,000.

Third. Property No. 244 Tchoupitoulas street, in square bounded by Tchoupitoulas, Delard, Pearl, and Louisa streets, rented at \$30 per month, valued at \$5,000.

Together with the following rent-notes, cash, &c., viz :

Forty-one notes for \$625 each, of H. Hollander and A. Weber, tenants of said stores corner of Saint Charles and Common streets, maturing monthly from 1st July, 1862, to the 1st of November, 1865, the first note credited with \$500, together with the lease of said stores.

Also, fourteen notes for \$166.66 each, signed by Booth & Co., maturing monthly from the 30th of September, 1862, to the 31st of October, 1863, the first note credited with \$75 for rent of said store No. 36 Magazine street, together with lease of same to said Booth & Co.

Also, one lease of said store No. 34 Magazine street to H. Spiro & Co., at \$65 per month in advance.

Also, lease to W. Zimmerman for premises No. 244 Tchoupitoulas street, at \$30 per month.

Also, \$1,085 in Confederate States notes.

Also, \$275.30 in currency.

All which was seized under military orders by order marked A, and identified by me, of John W. McClure, captain and assistant quartermaster Department of the Gulf, under date of February 14, 1863, as will also appear by his receipt to me, marked B, and also identified by me, dated the 23d day February, 1863.

That the above-described real estate only was returned to me by W. B. Armstrong, captain and assistant quartermaster, on the 31st of October, 1865, as per order dated 14th October, 1865, as appears by document marked C, also identified by me, the said Armstrong refusing to account to me for said notes, ready money, or rentals of said property, but referring me for same to the Government at Washington.

In witness whereof I hereto set my hand at the city of New Orleans, parish of Orleans and State of Louisiana, on the twenty-second day of November, in the year of our Lord one thousand eight hundred and seventy-one.

EDWARD BARNETT.

Sworn to and subscribed before me this twenty-second day of November, A. D. 1871.

{ I. R. S. }
{ Five cents. }

A. BARNETT,
Notary public.

EXHIBIT D.

The receipt referred to is as follows :

"Received, New Orleans, February 23, 1863, from Edward Barnett, esq., forty-one (41) notes for six hundred and twenty-five dollars each, signed by H. Hollander and H. Weber, to mature monthly from 1st July, 1862, until 1st November, 1865. The first note is credited with five hundred dollars paid 9th August, 1862, for rent of Mr. Davis's property, corner Saint Charles and Common streets, as per lease, before E. Barnett, notary public, dated February 16, 1860.

"Also, fourteen notes for one hundred and sixty-six dollars and sixty-seven cents, signed by Booth & Co., to mature monthly from 30th September, 1862, until 31st October, 1863. The first note is credited with seventy-five dollars for rent of store 36 Magazine street, as per lease, also received.

"Also, one lease for store No. 34 Magazine street, to H. Spiro & Co., at \$65 per month in advance.

"Also, one lease to Mr. Zimmerman for store 244 Tchoupitoulas street, at \$30 per month.

"Also, one thousand and eighty-five dollars in Confederate States notes.

"Also, two hundred and seventy-five dollars and twenty-five cents in cash, balance as per account rendered this day. The interlineation on reverse side is two hundred and seventy-five dollars and twenty-five cents.

"S. B. HOLABIRD,

Col., Chief Q. Master.

"Per J. W. McCLURE,

Capt., A. Q. M.

Upon the facts, the committee find and are of opinion, upon well-settled principles of law and equity, that the petitioner is entitled to redress and proper compensation for the property so seized and appropriated, and the committee therefore report and recommend the passage of the accompanying bill.

○

RANDALL BROWN.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JAMES WILSON, from the Committee on War-Claims, submitted the following

R E P O R T :

The Committee on War-Claims, to whom was referred the bill (H. R. 633) for the relief of Randall Brown, of Nashville, Tenn., having had the same under consideration, report :

That the said Randall Brown is a colored man, resident of Nashville, Tenn.; that during the late rebellion, in the year 1863, he was the owner of three teams, wagons, &c., and was employed with said teams, wagons, &c., on the forts then being constructed for the defense of Nashville, by the Quartermaster's Department of the United States Army, with a promise or guarantee of protection against capture by the enemy; that during the month of July, 1863, while engaged with his teams in hauling wood to Overton's Station, on the Tennessee and Alabama Railroad, on the 3d of July, the rebel forces made a raid upon the hands engaged in hauling wood to said station, taking them prisoners and capturing several teams, among others the teams, wagons, &c., of the said Randall Brown.

The committee are of opinion that the claimant was entitled to the protection pledged him, and that the capture of said horses, wagons, &c., were without fault or negligence on the part of the said Brown; that the said horses, ten in number, were worth the sum of \$125 each, the price paid for horses for the military service of the United States at that time; that the wagons and harness were worth the sum of \$250, and these facts are clearly established by satisfactory evidence.

Your committee, therefore, report back the foregoing bill with the recommendation that the same be amended by inserting in line five the word "five" in place of "six," and that as thus amended the bill do pass.

MRS. FLORA A. DARLING.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JAMES WILSON, from the Committee on War-Claims, submitted the following

REPORT :

The Committee on War-Claims, to whom was referred the memorial of Mrs. Flora Adams Darling, having had the same under consideration, ask leave to report :

That the memorialist is a native of New Hampshire ; that in 1859 she was married to Edmond A. Darling, of New Orleans, La. ; that during the late rebellion her husband was a general in the confederate army, and was killed in battle near Franklin, Tenn., in November, 1863 ; that in the month of December following, having closed up the estate of her said deceased husband, so far as possible, she applied to General Dabney Maury, the confederate commander at Mobile, Ala., for permission to return to her home in the North, there to remain permanently with her father and mother and her only child ; that General Maury acceded to her request, and applied to Maj. Gen. N. P. Banks, then in command of the Department of the Gulf, for permission to go north under the protection of a flag of truce ; that such permission was granted, and during the month of December, 1863, the memorialist was received on board a United States flag-of-truce boat, by Capt. Thomas Tileston, United States Volunteers, then a flag-of-truce officer in the United States service, who then delivered to her a passport signed by Major-General Banks. Captain Tileston's sworn statement is herewith appended, and made a part of this report :

STATE OF NEW YORK,

City and County of New York, ss :

Thomas Tileston, being duly sworn, deposes and says :

I reside in the city of New York ; my occupation is a broker. During the months of December, 1863, and January, 1864, I was flag-of-truce officer in the service of the United States, on the schooner *Alice Maguigen*, plying between Pascagoula, Miss., and New Orleans.

On or about the — day of December, 1863, as said officer, I received Mrs. General F. A. Darling, and, by direction of General Banks, commanding general of the Department of the Gulf, I delivered to the said Mrs. General Darling a permit to enter New Orleans, under said flag of truce. I heard her remark that she had no United States money, but had funds she intended to exchange when she arrived in New Orleans. She also stated her intentions to proceed directly to New York and join her family in the North. I know of her arrest and the taking possession of her trunks by a sergeant in the United States Army, under the direction of the provost-marshal-general of the Department of the Gulf, on board the said flag-of truce boat, but I do not know the name of the sergeant who made the arrest and seizure. I considered Mrs. Darling then, as I do now, a lady who was entitled to the protection that had been guaranteed to her by

her passport. She was under my care during the passage, and I heard nothing and obtained no impression that led me, for one moment, to believe she would be subjected to other treatment than that accorded to all other flag-of-truce passengers.

THOMAS TILESTON,
Late Captain, U. S. F.

Sworn to before me this 24th day of January, 1874.

J. CLINTON GRAY,
Notary Public, New York City.

Your committee further find that the memorialist, Mrs. Darling, proceeded to New Orleans on said flag-of-truce boat; that while said vessel was lying at the wharf in said city, with a flag of truce flying from her mast, a sergeant of the United States Army, acting under the direction and orders of General Bowen, an officer on duty at New Orleans as provost-marshal-general of the Department of the Gulf, took possession of her trunks, and in her presence took therefrom a package alleged to contain five thousand dollars in State bank notes, (then at par,) and ten thousand dollars in confederate cotton-bonds; that she was then taken by the sergeant to the Julia-street prison, where she was confined eight days without money and without a change of clothing, and for three months thereafter was under arrest, endeavoring during that period to obtain an interview with General Banks, but without success; that after that period of time she obtained an interview with General Banks, who sent a staff-officer with her to General Bowen's headquarters; that the said General Bowen expressed entire ignorance as to what had been taken from her trunks, and that every officer to whom she applied informed her that they knew nothing of the matter.

Your committee further find, from the statement of the memorialist, that when her trunks were returned to her, everything of value had been taken therefrom, including the cotton-bonds and State bank notes, and some silver and gold coin and diamonds; that she made further effort to obtain redress, but failed, and that soon afterward she was, by order of General Bowen, taken on board a military transport and sent to New York City.

Your committee further find that Mrs. Darling applied to President Lincoln for redress, who directed an investigation to be made by the Bureau of Military Justice; that report thereon was made by Judge-Advocate-General Holt, under date of July 19, 1866, who had only the application or statement of Mrs. Darling before him, and from which report the following extract is taken:

The application of Mrs. Darling having been referred to the military authorities at New Orleans for investigation, no trace of the property and no information whatever in regard to its seizure has been found possible to be obtained. This is probably owing in great part to the long period which has intervened since the proceeding complained of, and to the *laches* of the applicant in prosecuting her claim.

The Judge-Advocate-General, in conclusion, says:

As to the merits of the claim in respect to its other items, it is impossible, in the absence of any evidence whatever in support of the statements of the applicant, to arrive at any final conclusion.

It is clear, however, that after a careful investigation none of these moneys can be found in the hands of any officer of the Government, and that there is thus no existing property of the party which can be restored to her *in specie*. In any event, therefore, the military department—whose power would be limited to such a restoration—would be wholly without the means or authority to grant any relief in the case.

From the foregoing extracts it appears that Mrs. Darling's claim was considered by the War Department upon the statement only of Mrs. Darling. As to the charge of *laches* in prosecuting her claim, it appears that Mrs. Darling had placed it in the hands of the late Hon. Robert J.

Walker, and that Mr. Walker's illness and subsequent death account for whatever delay or neglect has occurred, which, however, your committee consider an immaterial matter.

Your committee are of opinion that the Government is in strict law bound to re-imburse Mrs. Darling for losses sustained by her through the acts of a military subordinate, whether the same were authorized by the rules and regulations of war prescribed by it or not, while she was under the protection of a flag of truce with a proper passport or safe-conduct from United States military authorities. On this point Chancellor Kent defines the general rule with regard to flags of truce as follows :

He who promises security by a passport is morally bound to afford it against any of his subjects or forces and make good any damages the party might sustain by violation of the passport. The privilege being so far a dispensation from the legal effects of war, it is always to be taken strictly, and must be confined to the purpose and place and time for which it was granted. A safe-conduct generally includes the necessary baggage and servants of the person to whom it is granted. (*Kent's Com.*, vol. 1, p. 161.)

Your committee are further of opinion that, in point of equity, the Government is bound to make reparation for the wrong done Mrs. Darling by the acts of its subordinates, at least so far as may be practicable. As to the recovery of the value of the confederate securities, no claim is made. That their being found in Mrs. Darling's possession was a justification of the seizure of her baggage cannot be maintained. As to the character of confederate notes, the Supreme Court says, in the case of *Thorington vs. Smith*, 8 Wallace, p. 11 :

They must be regarded, therefore, as a currency imposed on the community by irresistible force. It seems to follow as a necessary consequence from this actual supremacy of the insurgent government as a belligerent within the territory where it circulated, and from the necessity of civil obedience on the part of all who remained in it, that this currency must be considered in courts of law in the same light as if it had been issued by a foreign government temporarily occupying a part of the territory of the United States.

The possession of the confederate cotton-bonds by Mrs. Darling was therefore a lawful possession, and no possible benefit could inure to the confederate government by such possession, either in the South or North. Under the law of nations the possession of the currency or securities of one belligerent cannot be regarded as a violation of the flag of truce by the other.

They are not contraband. Wildman, in a chapter in his work on the law of nations, includes every species of contraband known to modern nations, and mentions only official communications as contraband under a flag of truce.

If one belligerent does not wish to receive the person or effects of one who holds a passport under a flag of truce, he may refuse to receive the person or his effects; but to enter upon a flag-of-truce boat, and seize and confiscate the moneys and securities of a person who has been guaranteed protection, is denominated by the law of nations an act of perfidy.

As to the diamonds, which the petitioner values at \$1,000, they cannot be regarded otherwise than as personal effects. For the detention at New Orleans at her own expense, while under arrest, for three months, with other expenses incidental to the prosecution of her claim against the Government, your committee believe that, in strict equity, she should be re-imbursed.

Your committee believe, in conclusion, from all the evidence before them, that Mrs. Darling was in possession of the property specified in her petition; that it was taken from her by a sergeant of the United

States Army, acting under the color of authority of the provost-marshal general at New Orleans; that she was subjected to detention and consequent expense, as well as considerable expense since in the prosecution of her claim for redress, and that, both in law and equity, she is entitled to re-imbursement for the losses incurred while under the special protection of the United States Government.

Wherefore your committee report the accompanying bill appropriating the sum of \$5,000 as re-imbursement for the State bank notes taken from her, for loss of personal effects, and re-imbursement of necessary expenses incurred in procuring redress, and recommend its passage.

○

THOMAS DAY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JAMES WILSON, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 1283.]

The Committee on War-Claims, to whom was referred the bill (H. R. 1283) for the relief of Thomas Day, of Indiana, having had the same under consideration, report:

That the said Thomas Day is a citizen of New Marion, Ripley County, Ind., and a nurseryman by occupation; that during the late war it became necessary for the United States to occupy his grounds as a military post for barrack and hospital purposes; that in establishing or erecting the same his nursery, embracing a valuable collection of trees and plants, was destroyed; that an estimate of the value of the same was made at the time, which was duly approved by the military commander of the said post, Capt. C. N. Golding, a copy of which is herewith appended:

600 peach plants, 1 cent each	\$6 00
650 peach trees, 8 cents each	52 00
4,000 apple trees, half price, 15 cents each	300 00
2,500 apple trees, 7 cents each	175 00
600 currant trees, 5 cents each	30 00
100 gooseberries, 5 cents each	5 00
1,000 grape plants, 2½ cents each	25 00
200 quince trees, ten cents each	20 00
25 plum trees, 15 cents each	3 75
24 evergreen trees, \$1 each	24 00
Total	640 75

This estimate is sworn to by Mr. Day, who is indorsed by leading citizens of Ripley County as a gentleman of truth, morality, and integrity, and is indorsed by Captain Golding, in January, 1865, when the facts were fresh in his mind, as follows: "From my knowledge of the man who makes this claim, and from the fact that the grounds I took possession of were set out in fruit trees, &c., I have no doubt the above claim is a just one."

Your committee are of opinion that the claim of Mr. Day is a just one, and that it ought to be paid, and therefore report back the bill with the recommendation that it do pass.

FRANCIS PRIEST.

MARCH 27, 1874.—Ordered to be printed.

Mr. HOLMAN, from the Committee on War-Claims, submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the petition of Francis Priest, for relief, have considered the same, and report as follows :

The claimant was a loyal resident of a loyal State ; his property damaged was situated in an insurrectionary State ; was real estate ; was used and occupied by United States troops, and while so occupied was damaged. These facts afford no claim against the United States.

Your committee would further report that the evidence submitted in support of the claim is wholly insufficient. It consists mainly in the report of a board organized by order of Brevet Brigadier General McKibben, July 22, 1865, to "assess damage done by the armies of the United States and the so-called Confederate States to property of loyal citizens in the subdistrict of the Blackwater, Virginia." The report of this so-called board is of no value whatever and proves nothing, and is without any authority whatever. Your committee recommend the indefinite postponement of the claim.

LIEUT. SIDNEY TINKER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HOLMAN, from the Committee on War-Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 1840.]

The Committee on War-Claims, to whom was referred the bill (H. R. 1840) for the relief of Lieut. Sidney Tinker, beg leave to report :

That it appears from the evidence submitted to the committee that Lieut. Sidney Tinker was commissioned by the governor of Indiana second lieutenant in Company D, Ninety-third Regiment of Indiana Volunteers, and actually entered on duty with said regiment on the 15th day of June, 1863, but was not mustered into the service until the 10th day of September, 1863; that during the whole period from June 15 to September 10, 1863, Lieutenant Tinker was actually on duty as such lieutenant; that the reason why he was not mustered in at the time he entered on duty was that his regiment was in the field in Mississippi in active military operations, remote from the headquarters of the Army, and his commission, which had previously been sent to him, did not and could not reach him until the return of his regiment to the body of the Army, near Vicksburgh, Mississippi, shortly after which time he was mustered in. It appears that there was some delay in consequence of an order in regard to mustering in persons commissioned after the 20th day of July, 1863; but the fact clearly appears that during the period named Lieutenant Tinker actually performed duty as such lieutenant in the field. This appears from the affidavit of Colonel Thomas, of that regiment, and of other officers who were in the service with Lieutenant Tinker.

The committee, following the uniform practice in such cases, recommend the passage of the accompanying bill, paying Lieutenant Tinker as lieutenant for the period mentioned, deducting the sum paid to him for that period as a private soldier.

JAMES L. MCPHAIL.

MARCH 27, 1874.—Ordered to be printed.

Mr. J. T. HARRIS, from the Committee on War-Claims, submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the memorial of James L. McPhail and others, praying compensation for alleged services in planning and effecting the arrest of Samuel B. Arnold and Michael McLaughlin, two of the conspirators in the assassination of President Lincoln, having had the same under consideration, ask leave to report :

That, at the time of said assassination, the said McPhail was provost marshal of the State of Maryland, and the other claimants were a portion of his detective force; that there seems to be no doubt, from the evidence, that these claimants were instrumental in causing the arrest of the said Arnold and McLaughlin, by giving information and advice, before the offer of reward was made by the Secretary of War, and that while the Committee on Claims of the 39th Congress commended the arduous and meritorious services of these claimants, they did not recommend anything to be paid to them.

Your committee are of the opinion that these claimants did no more than they were bound to do as officers of the Government, and therefore report back their petition, and recommend that the same do lie on the table.

JOHN M. LAMB.

MARCH 27, 1874.—Ordered to be printed.

Mr. JOHN T. HARRIS, from the Committee on War-Claims, submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the bill (H. R. 981) for the relief of John M. Lamb, of Saint Paul, Minn., having had the same under consideration, report:

That the claim is for re-imbursement of the sum of \$19,654, the amount of tax paid by him to the medical department of the army of the Potomac for the privilege of supplying newspapers and periodicals to the soldiers of said army; that the claimant voluntarily agreed to pay said sum, and that there was no compulsion whatever used in collecting said tax from him, and that at the time other parties were endeavoring to procure the same privilege upon the same terms prescribed to be paid by Lamb.

Your committee are of opinion that he has neither a legal nor equitable claim against the Government for the re-imbursement of the money so paid, and accordingly they report back the bill with recommendation that it do lie on the table.

○

GEORGE CALVERT.

MARCH 27, 1874.—Ordered to be printed.

Mr. JOHN T. HARRIS, from the Committee on War-Claims, submitted the following

R E P O R T :

The Committee on War-Claims, to whom was referred the memorial of George Calvert, of Prince George's County, Maryland, praying for relief and compensation for the loss of his ferry-boat at the village of Nottingham, in said State, and of an indentured servant, having had the same under consideration, submit the following report :

That the memorial of the said Calvert above referred to was, on the 16th day of January, 1872, referred to the Committee on Military Affairs, which committee reported adversely thereon, and asked to be discharged from its further consideration, which was so ordered by the House. Your committee adopt the report of the Committee on Military Affairs, which is made a part of this report, and ask to be discharged from the further consideration of said claim.

○

BENJAMIN W. REYNOLDS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. DUNNELL, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 2694.]

The Committee on the Public Lands have had under consideration the bill (H. R. 581) for the relief of Benjamin W. Reynolds, and respectfully report:

That said Reynolds, of La Crosse, Wis., was appointed receiver of public moneys, at Falls Saint Croix, in that State, March 28, 1861, and entered upon the duties of his office May 16, 1861; he was also disbursing agent and timber agent in the Saint Croix district; he was also United States depositary. His bond as disbursing agent was \$5,000; as receiver, \$50,000; and as depositary, \$200,000.

He satisfactorily discharged his several duties till July 15, 1864. It appears, from a letter received from the Commissioner of the General Land-Office, under date of February 28, 1872, that during that period the public money received by him amounted to the sum of \$30,599.93, viz:

From proceeds of sales of public lands.....	\$24, 805 02	
From \$10 Government fees on homesteads..	2, 850 00	
		\$27, 655 02
Fees for locating military warrants.....	858 00	
And commissions on homesteads.....	580 78	
Both paid over to register and receiver.....		1, 438 78
From timber depredations, covered into the Treasury to credit of judiciary fund.....		1, 506 13
		30, 599 93

His receiver's, disbursing, and timber accounts appear to have been settled. During the period he was in office his entire compensation as receiver, including salary, commissions, and all other fees, amounted to \$2,403.61, while from vouchers on file it appears that during the same period he paid as extra clerk-hire \$2,175.30. It will thus appear that he received less than \$800 per year, and was under bonds to the aggregate amount of \$255,000. He received no compensation for his services as United States depositary or as timber agent. As already stated by the Commissioner of the General Land-Office, he paid for extra clerk-hire \$2,175.30.

During his term 283 homestead entries were made in his office. They were ordinarily 160-acre or 80 double minimum entries. For these entries

but half-fees were then allowed. Now the land-offices receive full fees for this class of enties. Mr. Reynolds made a full statement to your committee of the nature and amount of work performed by him ; and also declared himself ready to make oath that he received no other fees than those given in the foregoing statement.

It appears that by act of March 3, 1863, the receiver of public moneys at Santa Fé was granted \$2,000 as depositary ; also, in 1864 and in 1865, and by act of July 28, 1866, \$1,000 was granted to depositary at Santa Fé, and by act of 1868, \$4,000 was granted to receiver acting as depositary at Santa Fé, viz : \$2,000 as salary, balance for clerk-hire. Other precedents exist.

It appears that Congress paid him for clerk-hire \$2,175.30, by act approved June 8, 1872. This amount was for disbursements made. The claimant, therefore, received for his entire services only the amount stated, viz : \$2,403.61, or less than \$800 per annum, and at a period in the history of public land matters when the greatest care and vigilance were called for and seem to have been exercised by the claimant. As he has, moreover, never had any compensation for his services and large responsibilities as a depositary of public moneys, appointed under act of Congress approved August 8, 1849, and as he still continues to hold public moneys, including those received from other sources than the sale of public lands, or by virtue of his office as receiver of public moneys after he ceased to be receiver, your committee recommend that the claimant be allowed the sum of \$400 per annum for the period in which he served as United States depositary, from October 26, 1861, to November 21, 1864, four years, one month, and twenty-five days, and report back the accompanying substitute for the amount of \$1,233.33.

○

PURCHASE OF A PIECE OF LAND IN FLORIDA.

MARCH 27, 1874.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. P. M. B. YOUNG, from the Committee on Military Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 2245.]

The committee are informed by the officer in command at Key West, through the department commander and the Quartermaster-General, that there is a necessity of enlarging the military cemetery at Key West, Florida. It appears that the ground set apart for cemetery purposes has all been used; also a piece of private property taken in 1862 for same uses has been exhausted, and that the burials that are now being made are too near the barracks. The report of Gen. James A. Hardie goes to show "that the garrison limits cannot be contracted by the withdrawal of the bodies interred in the private property referred to, and that sinks should not be brought into the garrison limits;" the unhealthiness of the climate in the summer season forbids the proximity of causes deranging to health.

The evidence before the committee goes to show that a piece of land, three hundred feet deep and seven hundred and fourteen feet long, contiguous to and south of the reservation, including within its limits the private property taken in 1862—now filled with graves—the said piece of land containing five acres, can be purchased for the sum of one thousand dollars.

The committee recommend the passage of the accompanying bill.

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HEIRS OF GEORGE FISHER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1253.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1253) for the relief of the heirs of George Fisher, having had the matter under consideration, beg leave to submit the following report :

In 1813 the property of Col. George Fisher was taken and used, or destroyed, by the troops of the United States in the then Territory of Mississippi, during the war with the Creek Indians.

Colonel Fisher applied to the Fourteenth Congress for indemnity, and continued to make this application till his death, in 1841. This claim has been prosecuted by his legal representatives since his death. By reference to the first volume of private claims in the House, page 630, it will be seen this claim was presented to the House nine times.

On 12th April, 1848, Congress passed a bill directing the Second Auditor of the Treasury "to examine and adjust the claims of the legal representatives of George Fisher, deceased, on principles of equity and justice, and having due regard to the proofs of the value of property taken or destroyed by the troops of the United States engaged in suppressing Indian hostilities in the year 1813, and that said legal representatives be paid for the same out of any money in the Treasury not otherwise appropriated."

In the second section of said act it was provided, if it could not be decided as to the specific quantity of property taken or destroyed by the troops and by the Indians, the said officer was directed Statutes at Large, vol. 9, p. 712. "to apportion the losses as he may think just and equitable, *so as to afford a full and fair indemnity for all losses and injuries occasioned by said troops, and allow the claimants accordingly.*"

Under the provisions of this law the then Second Auditor, McCalla, made a partial settlement of this case, which was predicated on the evidence of only three witnesses out of six. The witnesses whose testimony was allowed were R. G. Hayden, H. L. Revier, and Absalom Presnel. The testimony of Wiley Davis, James Turner, and Samuel Harrison was rejected, because the Auditor said their depositions were not properly authenticated by the governor. Upon the testimony thus admitted he estimated the value of the property destroyed at \$17,946, and presuming that the Indians had destroyed one-half, allowed \$8,973, or by mistake of \$100 in addition, \$8,873, *without interest*. In December following, the attention of the Auditor was called to the language of the second section of the act, and interest was claimed

under said section. The Auditor affected to consider the case *de novo*, but upon examination it will be found he only considered the same evidence, and paid no attention to the testimony of the three last-named witnesses. The Auditor on this second examination awarded the same sum (correcting the error of \$100) of \$8,973, with interest from 1832 to 1848.

These rejected depositions were of great importance, because they disproved the presumption that one-half the property was destroyed by Indians, and established that the whole of it was used or destroyed by the troops of the United States.

The claimant proceeded to perfect the rejected depositions, and asked of the Auditor an allowance upon them, but Clayton, the new Auditor, refused to entertain the further claim on the ground that the case was closed.

By act of Congress approved December 22, 1854, the Second Auditor of the Treasury was directed "under the provisions of the act of 12 April, 1848, to re-examine this case and to allow the claimants the benefit of the rejected testimony, provided the same is now properly authenticated." This act was supplementary to the act of April 12, 1848. This supplementary act, which gave directions to the Second Auditor alone, was never executed, *James Guthrie, then Secretary of Treasury*, having intervened to prevent its execution, on the unwarranted assumption that the claimants had already had the benefit of the rejected testimony. This assumption is disproved by the testimony of George M. Bibb, to be found in fifth volume Reports of Committees, page 22, and the identity of both of the awards of Auditor McCalla. By a joint resolution approved 3d of June, 1858, "the duties imposed or required to be performed by the said act of Congress were to be discharged by the Secretary of War."

Under this resolution the Secretary of War allowed the claimants \$18,104, with interest from date of destruction of the property. This was substantially the same in amount as that made by the Auditor.

With a full knowledge of all these facts, Congress, on June 1, 1860, passed a joint resolution requiring the Secretary of War to re-examine the whole case, to give effect to all the evidence on file, and to make such further allowances as in his opinion justice to the claimants required.

The Secretary of War, acting under this last resolution, says, "It is very plain, from the language of the resolution and reports of committees, that it was considered necessary to require a revision of the account in detail, and that Congress regarded the estimate of value of the property made by the Auditor, and substantially the same as my own, as being much less than the evidence required."

"I find, on careful examination of the depositions, substantial ground for such assumption."

The Secretary then awarded to the claimants, as the fair value of the property destroyed, the sum of \$34,952, with interest on \$22,202 from July, 1813, and on \$12,750 from September, 1814, aggregating principal and interest, November, 1860, \$133,323.18.

Under these various awards the claimants have been paid the following sums, to wit:

April 22, 1848.....	\$8,773 00
December 31, 1848.....	8,797 94
May 12, 1849.....	10,004 89
October 12, 1858.....	22,681 28
November 6, 1858.....	16,346 22

Aggregating 66,803 33

It will appear by calculation that these various payments, properly applied, will only discharge the sum of \$18,104, with interest from 1813, the amount of the first award of the Secretary of War, leaving the balance of \$16,868, with interest as aforesaid, still due to the claimants.

Before this balance was paid Congress, by joint resolution, approved March 2, 1861, rescinded the former joint resolution of June 1, 1860, and no further action was taken for some time, by reason of the civil war which soon thereafter ensued.

Is the sum of \$16,848, with interest from 1813 to 1814, still due the representatives of George Fisher? Two objections have been taken against paying the same. The first is that the resolution under which this sum was awarded having been rescinded the award was a nullity.

This is a new and not very creditable way of paying old debts. If that award is wrong, if any mistake has been found in it, then there would be some equity in correcting it; but it appears to the committee to be fair and just, and manifestly, in the opinion of the Congress that passed the resolution of June 1, 1860, these claimants had not received what the law of 1848 contemplated, "fair and full indemnity for all losses." But it is believed that the award of the Secretary of War under the resolution of June 1, 1860, was binding on the Government, and unless the claimants have released, this sum (principal and interest) is still due them.

It is a principle too old and well established to be controverted that after an award or judgment has been regularly obtained under a valid and existing law, a repeal of the law cannot impair the validity of such award or judgment.

In *Fletcher vs. Peck*, the court held that a grant by the legislature of the State of Georgia could not be annulled by a subsequent repeal, although the grant had been improperly obtained. (6 Cranch, 87-185, &c.)

State of Pennsylvania vs. the Wheeling Bridge Company, 18 Howard, 421-431. Justice Nelson, delivering the opinion of the court, says: "It is urged that the act of Congress cannot have the effect and operation to annul the judgment of the court already rendered, or the right thereby determined in favor of the plaintiff. This, as a general proposition, is certainly not to be denied."

An award stands upon same ground as a judgment. (3 Bl. Com., 16, 160 to 164.)

Many other adjudicated cases might be cited to sustain the proposition laid down. But this view of the question has been more than once sanctioned by this House in the last few years.

On 2d March, 1867, when the House was in Committee of the Whole on the appropriation bill, Mr. Schenck moved the insertion of a section containing a provision on this claim, in many respects similar to this bill. Mr. Stevens, of Pennsylvania, was then chairman of the committee on appropriations and examined the papers on which this claim was founded. The section was adopted in Committee of the Whole and passed the House, but was struck out in the Senate, because the friend of the bill was absent and no one present to explain it.

On 4th June, 1868, Mr. Stevens, from the same committee, reported a special appropriation bill containing provisions similar to this bill, which passed the House.

This bill again failed in the Senate, it is believed because there was not time of the session left to consider it.

It will be seen that the justice of this claim has been acknowledged by this House repeatedly, and, notwithstanding the repeal of the resolu-

Congressional Globe and
appendix 2d sess. 39th Con.
p. 1742.

Congressional Globe 2d
sess., 40th Cong., p. 2929.

tion, the propriety and obligation to pay this claim has never been seriously contested in this House.

The other objection to this claim is that interest should not be paid.

It may be proper to advert to the circumstances which attended the actual preparation of the award in question.

It appears to have been prepared not at the War Department, or by the Secretary of War. We have the official letter of the then Assistant Attorney-General of the United States, addressed to the Hon. Edwin M. Stanton, Secretary of War, that the whole case was transmitted to the Attorney-General's Office, requesting that all the facts might be inquired into, and an award made in accordance therewith. We submit the letter of the Hon. A. B. McCalmen, addressed to the Secretary of War, which shows:

The terms of the act of 1848 indicate clearly that the intention of the legislature was to pay interest. The damages accrued in 1813 and 1814, and in 1848 Congress, by its act, commanded that the claimants shall be "afforded a fair and full indemnity for all losses and injuries." This could not be done by allowing less than the value of the property destroyed, and interest from date of destruction.

The Supreme Court has decided that "the prime cost or value of the property lost, and in cases of injury, the diminution in value, by reason of the injury, *with* interest thereon, affords the true rule for estimating damages in such cases, (5 Wheaton, 385.)

I. Toucey, Attorney-General, gave an opinion in this case, in which Fifth volume of Opinions, page 71. he states that, under the terms of the bill of 1848, "it would seem to follow, of course, that the interest should be computed from the time when the property was taken or destroyed."

Fifth volume, page 97. Attorney-General Johnson, to whom this question was submitted, said the opinion of Mr. Toucey was conclusive in this case.

The claim has been acknowledged to be just so often that it is useless for your committee to go further into the details of the case, and your committee sees no reason to doubt that the sum of \$34,952, with interest, according to the award of the Secretary of War, subject to sums of money paid, is still due the claimants in this case. But, in view of the almost invariable practice of the Government in such cases established in the last few years and of the large amount of interest due in this case, your committee recommend a proviso to this bill, limiting payment under it to \$16,848, the principal sum due, and, with this proviso, they recommend the passage of the bill.

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JOHN S. EVANS.

MARCH 27, 1874.—Ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

REPORT :

The report of the Committee on Military Affairs on the petition of John S. Evans, late private of Company E, Twenty-seventh Regiment Ohio Volunteers.

Your committee, after careful consideration of the evidence in this case, find the following facts established :

On the 16th of July, 1863, John S. Evans, then a private in said company, was tried before a military court-martial convened in the city of Memphis, Tenn., on the following charge and specifications :

Charge.—Violation of 7th Article of War.

Specification 1. In this, that private John S. Evans did excite, and, by words and acts and general conduct, induce his comrades in said regiment to take their arms and by force resist the lawful military rules and authority governing and controlling them. This on 11th July, 1863.

Specification 2. In this, that said Evans, near Memphis, July 11, 1863, did, at about 10 o'clock p. m., at the camp of said Twenty-seventh Ohio Regiment, in company with other comrades, and as one of their leaders, take his arms and by force pass out of said camp and attempt to disperse an assembly of officers belonging to Fuller's Brigade, who were assembled, with proper permission, at a dwelling-house near the camp of said Twenty-seventh Regiment.

The court found him guilty of the charge, and both specifications.

The evidence sustains the charge, and is not met by any counter evidence for Evans.

The punishment. "That he should be confined in the military prison at Alton, Ill., at hard labor, during the remainder of his term of enlistment, and forfeit all pay and allowances due or to become due."

The term of imprisonment has expired, and the petitioner prays to be relieved from residue of said sentence. To be honorably discharged with pay, bounty, &c.

The only mitigating circumstance urged and proved in behalf of the said Evans, is that some thirty or more were engaged in the riot, and only himself and one Cecil were tried and punished. This may prove that others ought to have been punished ; it certainly shows the necessity, then existing, of enforcement of discipline. Besides, it appears these two were leaders in this disgraceful proceeding. Your committee see no reason to interfere with the sentence of the court, and report against the prayer of petitioner.

ALTAMIRAH BRANSON.

MARCH 27, 1874.—Ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

REPORT:

The Committee on Military Affairs, to whom was referred the petition of Mrs. Altamirah Branson, claiming to be the widow of Enoch Branson, asking that arrears of pay and bounty be allowed her deceased husband, Company D, First Tennessee Light Artillery, beg leave to make the following report:

The petitioner claims that her husband properly belonged in Company D of said regiment, but that Company E was mustered in as Company D, and by reason of this confusion her husband's name does not appear on the muster-rolls of Company D, and that her husband did not draw his pay and allowance.

By reference to a communication from the Second Auditor's Office, it will be seen that the name of Enoch Branson does not appear on the muster-roll of either D or E company of said regiment; and that if satisfactory proof is adduced that the muster-roll of either company is incorrect, it will be corrected by the Adjutant-General.

It does not appear that this man was ever entitled to any pay or allowance as a soldier, and if he was, his widow can draw it from the War Department, upon satisfactory proof.

Your committee therefore report against the prayer of the petitioner.



JOHN F. WHEELER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. NESMITH, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2696.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2917) for the relief of John F. Wheeler, having had the same under consideration, submit the following report:

It appears, from the proofs submitted in this case, that John F. Wheeler was, on the 7th day of May, 1864, appointed and commissioned a second lieutenant in the One hundred and forty-ninth Regiment of New York Volunteers, but, owing to continued fighting from Chattanooga to Atlanta, he could not be, and was not, mustered into the service as such second lieutenant. By order of Lieut. Col. C. B. Randall, commanding his regiment, the petitioner was placed in command of Company D of said regiment, and continued in command of the company up to the 20th day of July, 1864, at which time he was captured at the battle of Peach-Tree Creek, and taken to the prison at Andersonville. He subsequently made his escape and rejoined his regiment, when he was mustered in as second lieutenant of Company A, on May 20, 1865.

Petitioner having faithfully rendered the service of a second lieutenant, and bearing the commission of such, it would appear but simple justice that he should be paid for said service. The fact of his not having been mustered in was no fault of his, and ought not to deprive him of a just compensation for his services. The committee recommend that the bill do pass.

CHARLES W. BERRY.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. NESMITH, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1219.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1219) for the relief of Charles W. Berry, having had the same under consideration, submit the following report :

It appears from the testimony in this case that the petitioner, Charles W. Berry, enlisted as a private in Company E, Thirty-sixth Regiment Wisconsin Volunteers, on the 24th of February, 1864, and served until the 22d day of May, 1865, when he was regularly discharged, at Madison, in the State of Wisconsin.

While said petitioner was stationed with his regiment at Madison, Wis., and before going into active service in the field, he left his command and was absent without leave for the period of two days, during which time he was engaged in making preparations for the support of his wife and family, who were very poor, and wholly dependent upon him for their support. On account of the said absence he was arrested, tried, and convicted of the crime of desertion. The testimony shows that he evidently had no intention of deserting his command, though under the strict rules of military law he was liable to the charge, and actually convicted of that crime. It appears that his act was more the result of the ignorance of the raw recruit, than of any purpose to commit the crime of desertion. Subsequently the petitioner maintained by his exemplary conduct the reputation of a good soldier until the period of his discharge, and was severely wounded in action. The committee believe that this is a case where the severe rules of the service ought to be relaxed in favor of a soldier who, though technically guilty, subsequently rendered good service.

Your committee therefore recommend the passage of the accompanying bill.

CAPT. JAMES M. ROBERTSON.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. NESMITH, from the Committee on Military Affairs, submitted the following

REPORT :

[To accompany bill H. R. 2697.]

The Committee on Military Affairs, to whom were referred the petition and papers of Capt. James M. Robertson, Second Regiment of Artillery, and brevet brigadier-general United States Army, have considered the same, and report :

That said officer first entered the service as a private in the Second United States Artillery December 8, 1838, served during the Mexican war, and was appointed second-lieutenant of Second Artillery June 28, 1848, and that he has continued in the service of the Army since that date.

On May 14, 1861, he was made a captain in the same regiment, having reached that grade of commission by regular promotion, and in that grade he served during the entire war of the rebellion.

His record, as shown by the official statements of the Secretary of War, and many letters from the most distinguished generals of the Army, under whom he served, is exceptionally excellent, establishing one of the very best in the Army.

On July 28, 1866, by a law of Congress, an additional major was added to each of the four existing regiments of artillery, and he was at that date the fourth captain in regimental rank by date of commission.

On February 5, 1867, these four additional vacancies in the grade of majors of artillery were filled by the appointment by the President of two captains of artillery, senior to Captain Robertson, and two his juniors by date of commission.

Captain Robertson now claims that, by the law of Congress and Regulations of the Army, he should have been promoted to fill one of these four vacancies, and that the appointment of two juniors over him was in violation of his rights, a wrong and an injustice he now invokes Congress to redress.

Without deciding upon the validity of the appointments by the President of two junior officers of Captain Robertson's arm of service over him, and giving him the benefit of the doubt as to the lawfulness of those appointments, the committee, in consideration of the meritorious, gallant, distinguished, and loyal record of this officer, commencing thirty-six years ago and running through the entire Mexican war and the war of the rebellion; recommend, as an act of justice to him, the passage of the accompanying bill.

LIEUT. A. V. RICHARDS.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. THORNBURGH, from the Committee on Military Affairs, snbmitted the following

REPORT:

[To accompany bill S. 100.]

The Committee on Military Affairs, to whom was referred the bill (S. 100) for the relief of Lieut. Alonzo V. Richards, submit the following report:

The committee find that this claim was before this committee at the third session of the Forty-first Congress, and Report No. 16 of said committee at that session is full and complete, and warranted by the proof. This committee, therefore, adopt said former report as their report, and recommend the passage of the bill.

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JOSEPH C. BRECKENRIDGE.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. THORNBURGH, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2698.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 50) for the relief of Joseph C. Breckenridge, for services in the Army of the United States, submit the following report:

Lieutenant Wilson, of the United States Navy, was sent to Kentucky in 1861, with the rank of brigadier-general of volunteers, for the purpose of "organizing into regiments such of the citizens of Middle Kentucky as were disposed to defend the integrity of the Government." The evidence of Gen. George H. Thomas shows that General Wilson was "authorized, either directly or indirectly, by the President of the United States to appoint a sufficient number of staff-officers to assist him in efficiently executing the trust committed to him."

General Wilson, acting under said authority, on the 30th of August, 1861, did appoint Joseph C. Breckenridge assistant adjutant-general, with the rank of first lieutenant, and assigned him to duty on his staff, where he remained until General Wilson was relieved by Gen. George H. Thomas, who, on the 28th of September, 1861, issued an order assigning Lieut. Joseph C. Breckenridge to duty on his (General Thomas's) staff, where he remained discharging the duties of a first lieutenant and staff-officer until the 5th day of June, 1862, when he first received a commission in the United States Army, and commenced to draw pay.

The committee report the accompanying bill as a substitute for said joint resolution, and recommend its passage.

J. R. WAGONER.

MARCH 27, 1874.—Ordered to be printed.

Mr. THORNBURGH, from the Committee on Military Affairs, submitted the following

R E P O R T :

The Committee on Military Affairs, to whom was referred the petition of Jos. R. Wagoner, submit the following report :

Petitioner is the father of J. J. Wagoner, deceased, late a captain in the Nineteenth United States Infantry, and brevet major, who, as acting assistant quartermaster in 1863, '64, '65, became responsible for certain quartermaster-stores, for some of which he never accounted with the proper officers. For this reason some of the pay of said officer was retained and unpaid until he should make settlement for said stores. It appears that before the death of Captain Wagoner he had ample time to make said settlement of his accounts with the Government, and that he failed to do so. The committee, therefore, request that they be discharged from further consideration of this petition.

○

LOUIS J. BOYER.

MARCH 27, 1874.—Ordered to be printed.

Mr. THORNBURGH, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1022.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1022) for the relief of Louis J. Boyer, submit the following report thereon :

Louis J. Boyer was a sergeant in the First Nebraska Cavalry, and on the 1st day of May, 1864, was assigned to duty as second lieutenant of Company E, by the lieutenant-colonel commanding the regiment, but was not and could not be mustered as second lieutenant of said company, because it was reduced below the minimum number required by law. Sergeants frequently commanded companies during the war, in the absence of commissioned officers, and such service performed in this case did not entitle Boyer to any other pay than that of sergeant, there being no vacancy which could be filled according to law in said company. The committee therefore recommend that the bill do not pass.

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JOHN HEBERER.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MACDOUGALL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1844.]

The Committee on Military Affairs, to whom was referred the claim of John Heberer, of Monroe County, in the State of Illinois, asking compensation for services as enrolling officer, and expenses incurred in the discharge of his duties as such, make the following report:

The claimant, John Heberer, alleges that in the month of May, 1864, he was duly appointed enrolling officer of subdistrict No. 42, Monroe County, Illinois, by Geo. Abbott, provost marshal of the twelfth congressional district of Illinois; that in pursuance of said appointment he entered on his duties, and completed said enrollment in the months of May and June.

That about the first of August of the same year he was ordered to make a second enrollment, under new instructions, upon which duty he entered at once and completed the same in September.

That in October thereafter he was ordered to serve draft-notices, and employ assistance if necessary, and that the same did become necessary, and that he employed several persons to assist therein, and paid them, out of his own money, three dollars per day, and for which services and money by him so paid he presents the following account, to wit:

United States to John Heberer, jr., Dr.

To services as enrolling officer subdistrict No. 42, Monroe County, Illinois, from May 14, 1864, to June 25, 1864, 34 days, at \$3 per day	\$102 00
To services as enrolling officer same district, from August 16, 1864, to September 23, 1864, 30 days, at \$3	90 00
To distributing circulars, putting up advertisements from September 23 to September 27, 1864, 4 days, at \$3 per day	12 00
To postage and paper	2 43
To serving first-draft notices, 19 days, from October 14, 1864	57 00
To amount paid Geo. Grossman, assistant, in serving 6 days	18 00
To amount paid Nicholas Wrink, 9 days	27 00
To amount paid Fred. Schrader, 6 days	18 00
To amount paid John V. Freliegh, 7 days	21 00
To amount paid John Heberer, 2 days	6 00
To 8 days' service with Captain Needham and squad in hunting up drafted men and deserters	24 00
To amount paid John Weber for same service, 7 days	21 00
To amount paid Geo. Grossman, 6 days	18 00
From December 13, 1864, to serving notices first supplementary draft, 16 days, at \$3 per day	48 00
To amount paid Geo. Grossman, assistant, in serving 8 days	24 00
To amount paid John Weber, 10 days	30 00

To amount paid Nicholas Mink, 10 days.....	\$30 00
To amount paid Fred. Schrader, 6 days.....	18 00
To amount paid John V. Freleigh, 5 days.....	15 00
From December 27, 1864, serving notices of draft, second supply, 5 days.....	15 00
To amount paid John Weber, assistant, 5 days.....	15 00
“ “ Fred. Schrader, 5 days.....	15 00
“ “ Geo. Grossman, 2 days.....	6 00
Making in all the sum of.....	<u>\$665 43</u>

Claimant further alleges that in December and January following there was another supplementary draft ordered, and that in the discharge of same duties it became necessary to employ assistants, which he did and paid them, as formerly, out of his own money, and for which he presents the following itemized account, to wit:

United States to John Heberer, jr., Dr.

From January 1, 1865.	To service in serving draft-notices, second supplementary, 7 days, at \$3 per day.....	\$21 00
	To amount paid Geo. Grossman in serving 6 days, at \$3 per day.....	18 00
	To amount paid John Weber, 6 days, at \$3 per day.....	18 00
	To amount paid Fred. Schrader, 6 days, at \$3 per day.....	18 00
	To amount paid Nicholas Mink, 6 days, at \$3 per day.....	18 00
	To amount paid John V. Freleigh, 5 days, at \$3 per day.....	15 00
January 8, 1865.	To expenses going to Alton and return.....	27 50
January 13 to 18, 1865.	To correcting enrollment list at Alton, 4 days.....	12 00
January 14, 1865.	To services in serving draft-notices, third supplementary, 4 days.....	12 00
	To amount paid George Grossman, assistant, in serving third supplementary, 8 days.....	24 00
	To amount paid John Weber, 8 days.....	24 00
	To amount paid Nicholas Mink, 8 days.....	24 00
	To amount paid Fred. Schrader, 8 days.....	24 00
	To amount paid John V. Freleigh, 7 days.....	21 00
January 18 to 26, 1865.	To hunting up and serving drafted men who were hiding out and skedaddling, 8 days.....	24 00
January 24, 1865.	To amount paid for postage and paper.....	2 85
26, 1865.	To expenses of trip to Alton and return.....	14 00
28, 1865.	To expenses of trip to Alton and return.....	14 00
29, 1865.	To expenses transportation, guards, board and lodging incurred in arresting and delivering of Peter Miller, deserter, at Alton.....	36 00
Making the sum of.....		<u>\$377 35</u>
To which add first account.....		<u>665 43</u>
Making a total of.....		<u>\$1,042 78</u>

Claimant avers that he has never received any part of the said sum, but that the same is due and unpaid.

It seems that through some oversight or omission the name of claimant was never borne on the monthly pay-roll in the office of the provost-marshal of the district. Captain George Abbott proves that claimant was appointed by him, under and by authority of the provost-marshal general; that he enrolled the twelfth district of the State of Illinois; that he divided the same into sub-districts, and appointed John Heberer, the claimant, enrolling officer of the forty-second sub-district. Captain Abbott further swears "that John Heberer, jr., was in his employ as enrolling officer and for serving draft-notices, as stated in his

account herewith, and from the best of his knowledge, information, and belief, said account is just and correct." He also states that "General Orders required activity in service by all subordinates. It was required of drafted persons to report in ten days; and in sub-district forty-two, in Monroe County, there was a large draft, and a large territory. Heberer was ordered by me to procure necessary assistance, and this order was communicated to me by the provost-general of the State.

* * * * * No other case than Heberer's has occurred within my knowledge in which payment has not been made, and the only reason he was not carried on the monthly rolls was that he did not report monthly the number of days employed. There might have been some fault or neglect on the part of my chief clerk, but I know of none. *Justice demands that he should be paid.*"

Sharon Tyndal, secretary of state, says: "He served faithfully in *that* capacity, and was vigilant and fearless, and brought many a sneak to his duty."

Claimant presents here the receipts of the parties to whom he paid the money, as charged in his account, to wit:

George Grossman.....	\$108
John Weber.....	141
Nich. Minck.....	99
T. H. F. Schrader.....	93
John Heberer, sr.....	6
John B. Freleigh, (dead and proof of payment).....	72
<hr/>	
Making a total of.....	519

The committee are of the opinion that the claimant was duly appointed by the proper authority; that he rendered the services and paid out his money in good faith, and that the claim as presented is just and should be paid. They therefore report back to the House the accompanying bill, with the recommendation that it do pass.



ROBERT TILLSON & CO., OF QUINCY, ILL.

MARCH 27, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. GERRY W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2699.]

The Committee on War-Claims, to whom was referred the petition of Robert Tillson & Co., of Quincy, Ill., for relief for damages sustained by them in fulfilling certain contracts during the late war, having had the same under consideration, submit the following report:

That it appears from the evidence on file that Robert Tillson & Co. entered into a contract with the Government on the 15th day of September, A. D. 1862, to make three thousand sets of horse-equipments complete; that subsequent orders were made by the Government, covered by the specifications of the contracts "except in the different prices paid for horse-equipments and infantry-accounterments," on Messrs. Tillson & Co. for fourteen thousand three hundred and sixty-three sets of horse-equipments and twenty thousand sets of infantry-accounterments; that Messrs. Tillson & Co. strictly and promptly complied with all their obligations as specified by the contract; that the Government were by the terms of the contract obligated to pay to Messrs. Tillson & Co. full amount of the contract-price of the articles on their delivery, but failed so to do, through which default Messrs. Tillson & Co. were damaged, and claim \$33,000 as direct damages resulting from such non-payment, and that they lost largely on the contract as a result of advanced price of materials, the payment of which cannot be allowed. Therefore, as the amount of damages involved is a matter of computation, the committee respectfully recommend the passage of the accompanying bill, submitting the determination of the amount to the Court of Claims.



EDWARD O'MEAGHER CONDON.

MARCH 27, 1874.—Recommitted to the Committee on Foreign Affairs and ordered to be printed.

Mr. BANNING, from the Committee on Foreign Affairs, submitted the following

REPORT :

The Committee on Foreign Affairs, to whom was referred the following petition of Governor Edward F. Noyes, the Right Rev. J. B. Purcell, Archbishop of Cincinnati, and other citizens, of Ohio, with the letters, statements, and testimonials accompanying—

STATEMENT.

The case of Edward O'Meagher Condon, now confined in Portland Convict Prison, England, convicted for complicity in the killing of a policeman in Manchester.

Edward O'Meagher Condon, a citizen of the United States, late a resident of Cincinnati, Ohio, was sent over to Ireland from Cincinnati in the spring of 1867 to attend to some property left to his father by an uncle. He was instructed to call at Manchester on his return to see two relatives residing there. While in Manchester he was arrested for complicity in the killing of the aforesaid policeman, under the following circumstances :

Two suspected Fenians, named Kelley and Deacy, were being sent to jail in a prison van with other prisoners. The van was stopped about half way between the courthouse and jail by a party of forty men, who demanded the release of the two suspected Fenians. They ordered the policeman inside the van to open the doors. He had the keys, but refused to comply. The party then proceeded to break open the van with stones, &c., but failing, one of them fired a pistol into the key-hole to burst the lock. The bullet accomplished the object, and shot the policeman inside. There was no intention to injure the man. It might as well be one of the prisoners who would get hurt ; but he was in the course of the bullet, and got killed.

Condon was arrested the same evening three miles away from the place of the accident. The affair created the wildest excitement and great alarm throughout England, particularly in Manchester ; and in the midst of this popular panic a special commission was appointed to convict the prisoners. They were tried in batches of fives, and Condon, an American, was included in the first batch. They were all convicted of murder in the first degree, and sentenced to be hanged. Twenty-five witnesses swore against one man, fifteen against two more, ten against the fourth, and five against Condon. The person who had ten witnesses against him was liberated on the application of the reporters, who declared that he did not have a fair trial. Five of the witnesses who had him convicted were those who swore against Condon. Three of those witnesses were prostitutes, confined in the van at the time of the riot, one a detective, and a fifth a bystander.

The evidence of this last witness was that he recognized Condon by seeing him hit by a stone, which cut his head, and he knew him by the wound. The policeman who arrested Condon swore that he inflicted the wound on Condon's head at the time of the arrest, and a surgeon swore that the wound was not inflicted by a stone.

In the preliminary investigation not one of the witnesses identified Condon as present at the breaking of the van until the detective, who afterward swore against him, took the three prostitutes and pointed Condon out to them through a window. After this they swore that he was one of the rioters. Yet upon such evident perjury he was convicted.

Immediately after his conviction he wrote to Mr. Low, American consul at Manches-

ter, who directed him to write a statement of his case to him, and he would send it to Minister Adams, who immediately applied for and got a respite by directions sent by telegraph by Mr. Seward.

From the statement of Daniel Redden, just published, who was confined for the same cause, it is greatly feared that Condon cannot long survive such terrible cruelty. He is accused of murdering a man he never saw. A petition signed by all the members of the city council of Cincinnati and indorsed by President Grant had no effect. A kind letter from Chief-Justice Chase, in which he said, "As three had been put to death for the murder of one, surely justice ought to be satisfied, and mercy take place in Condon's case," also failed. The chivalrous General Sherman requested his release as a special favor upon himself, for the many times he was instrumental in getting Englishmen out of trouble in this country. Home-Secretary Bruce has all those letters, together with one from Judge Fitzgerald, of Dublin, in which he told the home secretary that, after an examination of Condon's trial, he would not convict him on such evidence.

The case of Condon is peculiar. Ten witnesses convicted the man who was set free, and only five of the same witnesses appeared against him, yet he is still in prison.

To the Congress of the United States :

Your petitioners, residents of the city of Cincinnati, Ohio, respectfully, but earnestly, ask that you will, by proper resolution or otherwise, interpose in behalf of Edward O'Meagher Condon, a citizen of this State and city, now in confinement in the Portland convict establishment, in England, for the alleged murder of a policeman in Manchester.

Your petitioners state that young Condon was, in 1867, a resident of this city, and was a good, industrious, and honest young man, respected by all who knew him; that in that year he was sent over to Ireland from Cincinnati to attend to some property left his father, Thomas Condon, of this city, and was also instructed on his return to call on two relatives living in Manchester, England; that while near said Manchester he was arrested for alleged complicity in the murder of a policeman of Manchester; that he was hurriedly tried, and, as we fully believe, by false testimony of perjured witnesses, condemned to death; that thereafter, upon representations made by Mr. Adams, the American minister to the British government, his sentence was commuted, or a reprieve granted; that he has since then, now more than five years, been imprisoned in England, and still lies there in jail; and we state that he had ever been, while in the United States, a young man of exemplary character.

That his long confinement has worn upon his health, and must ultimately, added to the keen sense of the injustice of his condemnation, kill him, unless he is released. That he was the main hope and stay of his parents, Thomas Condon and wife, who are old, and that his sad condition has brought untold sorrow and distress upon his family. That his release is demanded by justice and mercy both. That his trial was hasty and imperfect, and he was made a victim to falsehood and excitement.

That we have no doubt if the British government would authorize a new trial in his case it would be clearly shown that he is innocent of the great crime imputed to him. And we, his parents, neighbors, and friends, earnestly ask your honorable bodies to take such action as will be consistent with your honor and that of our country, and also as will afford the English government the opportunity to show to American citizens that justice which no government is more constant and energetic in demanding for her own subjects than she is.

THOMAS CONDON,
His Father.
ELLEN CONDON,
His Mother.

I recommend and request that a new trial be granted if possible.

EDWARD F. NOYES,
Governor of Ohio.
J. B. PURCELL,
Archbishop of Cincinnati.
M. H. TILDEN,
Judge of Superior Court.
W. S. GROESBECK.
ALFRED YAPLE,
Judge of Superior Court of Cincinnati, State of Ohio.

I cheerfully concur in the request of Governor E. F. Noyes.

S. S. DAVIS,
Mayor.

I am not acquainted with the facts of the case or the laws under which Condon was tried, but Mr. and Mrs. Condon are worthy people, their son is their stay, and his release would be a mercy and a blessing to them.

M. T. FORA,
Judge Hamilton Common Pleas.
 CHAS. C. MURDOCK,
Judge Hamilton Common Pleas.
 WM. L. AVERY,
Judge Hamilton Common Pleas.
 T. A. O'CONNOR,
Judge Superior Court of Cincinnati.
 J. BURNETT,
Judge Hamilton Common Pleas.
 WILLIAM TILDEN,
Judge of Probate Court, Hamilton County, Ohio.
 N. H. VAN VORHES,
Speaker Ohio House of Representatives.

The petition is also signed by the following members of the Ohio State senate :

Joseph F. Wright.	P. W. Hardesty	W. O. Packer.
H. D. McDonnell.	W. H. Holden.	I. Q. Smith.
A. W. Patrick,	Arone C. Wales	D. W. H. Howard.
John Schiff.	J. H. R. Anon.	S. Knox.
Charles Boessel.	W. Morrow Beach.	J. F. Updejuiff.
J. S. Gardner.	John G. Thompson	Wm. Nash.
Peter Murphy.	John W. Morris,	H. S. Gage.
L. B. Leeds.	James Saylor.	

C. H. BABCOCK,
Speaker pro tempore House of Representatives, Ohio.

The petition is also signed by the following members of the Ohio house of representatives :

John Little.	S. R. Mott.	David Cunningham.
W. C. Cooper.	Thos. H. Armstrong.	George W. Wilson.
T. Miltenberger.	John C. Waldron.	C. F. Kirkland.
J. M. Haag.	Ira Ferguson.	Albert Munson.
Wm. Bell, jr.	Henry Chapman.	William Milligan.
Milt. McCoy.	Thomas D. Stiles.	Henry Schoenfeldt.
O. Chase.	Levi Colly.	A. H. Brown.
B. C. Blackburn.	Eugene Powell.	Elias Elliss.
H. M. Chapman.	George Nokes.	Benjamin F. Sprigs.
J. M. Cochran.	William L. Ross.	N. E. Leland.
John M. Wilson.	Clark White.	Isaac Austill.
J. R. Conrad.	Joseph Bradbury.	J. R. Conrad.
Charles P. Taft.	James E. Chase.	J. J. Moore.
W. C. McFarland.	A. Armstrong.	M. McCoy.
S. B. Berry.	H. F. Brashear.	J. Count.
John Seitz.	H. Beckatresser	C. B. Smith.
H. Weible.	Geo. Nokes.	Samuel C. Bowman.
William Adair.	A. R. VanCleaf.	Henry Weible.
S. N. Titus.	S. E. Blakeslee.	Thomas Peckinpany.
William G. Ways.	Lewis Green.	John Kisor.
R. C. Thompson.	W. Stillwell.	Guido Mare.
H. W. Curtiss.	J. M. Brunswick.	T. A. Corcoran.
J. Scott.	John T. Fallis.	H. C. Whitman.
Isaiab Pillars.	John Shank.	
W. P. Howland.	Charles Oesterlein.	

7 MERRION SQUARE, EAST DUBLIN,
 February 14, 1873.

SIR: I have received your letter of the 22d, and in reply take leave to assure you that I did not write to Mr. Secretary Bruce. I did not receive from him the reply which you describe. My position as a judge prohibits me from interfering in any case not tried before me, and even then only when called on by government for a report.

Mr. Kenslin Digby, member of Parliament for the Queen's County, is a connection of mine, and a valued friend, whose opinion I very much respect. He was deeply interested in your son's case, and he has frequently conversed with me about him and his trial. I learned from Mr. Digby that he has studied the case carefully, and had come to the conclusion that your son, Edward O'Meagher Condon, or Shore, had taken no part in the homicide of the constable of Manchester, and was implicated by taking part in the riot, and by stone-throwing only; that he was unarmed, and that there was no proof against him of any previous design. I had no knowledge whatever of the case myself. Mr. Digby felt very much for one so young and prepossessing as your son, but felt more for you and the family. I am aware of the great exertion he has made to procure your son's release, and I would have aided him if I had the power to do so.

I have no doubt that Mr. Digby will not be deterred by previous failures from continuing his efforts, and I most sincerely hope that zeal and efforts may soon prove successful.

I can only express my feelings for you and your afflictions, and remain your faithful,

J. D. FITZGERALD.

Mr. THOMAS CONDON.

CINCINNATI, January 28, 1874.

SIR: When in England, I took special pains to get the facts in relation to the case of Condon, alias Shore, convicted of murder in Manchester, with three others. The others were executed. On account of well-grounded doubts of the participation of Shore in the murder, his sentence was commuted. Mr. Moran, our secretary of legation at the Court of Saint James, was very much interested in the case, and after a thorough investigation, came to the conclusion that Shore, alias Condon, was entirely innocent. I conversed with Jacob Bright, M. P., Mr. Potter, Sir Wilfred Lawson, and other members of Parliament, who expressed much interest in behalf of the accused. Young Condon is a worthy son of most worthy parents in your district, and every effort possible should be made to secure his liberty from confinement and his return to his family.

Mr. Moran can furnish all the facts in the case if written to.

I send you copy of petition, &c., and a letter from one of the most eminent judges of Ireland, to the father. The latter you will please preserve.

Yours, &c.

S. F. CARY.

Hon. H. B. BANNING, M. C.—

Have had the same under advisement, and after careful investigation of the cause and facts connected with the conviction of Edward O'Meagher Condon, make the following report to the House of Representatives:

Edward O'Meagher Condon is of Irish parentage; a citizen of Cincinnati, Ohio, of respectable family and association, and has always borne a good character.

In the year 1867 he was on a visit to some of his relatives in Manchester, England. While there he became involved in a mob which had collected for the purpose of rescuing some Fenian prisoners.

From the evidence brought out in a trial subsequent to the affray, it seems that the prisoners were being conveyed in a van through the streets, the door of which was not only locked but guarded by a policeman on the inside. A shot was fired for the purpose, as asserted, of forcing the door. This shot unfortunately killed the policeman.

For this offense Condon and four others were convicted of murder, and sentenced to be hanged. Three of these were executed, one was

discharged, while Condon's sentence was commuted to imprisonment for life at hard labor.

This occurred during the intense excitement of the Fenian struggle, after invasion of Canada from the United States, and the battle of Ridgway.

It would be seen, therefore, that a trial under the circumstances might be influenced by the feeling pervading the community where the offense occurred.

This would be intensified, of course, by the fact that one of the defendants was an American citizen, and held responsible as a prime mover in the original trouble.

Without questioning the justice of the verdict, we are of the opinion that executive clemency could go further than in a mere commutation of the sentence to hard labor for life.

It is not claimed that the unfortunate Condon fired the shot which resulted so fatally, and the very cause that led to the swift punishment pleads with irresistible force in his favor.

In the excitement of the moment he possibly encouraged the violence meant to break a lock, which resulted in a death without having the *malice prepense* necessary to make it murder. On this ground his sentence was commuted, as we have stated, and on this ground we claim he might well be pardoned.

We are well aware of the fact that Condon's offense was aggravated in the eye of the law by his being an American citizen. At the same time we ought to remember that Condon's Irish descent and Irish connections prompted the feeling that caused him to interfere, and under all circumstances we believe the Government of the United States would be justified, if, indeed, it is not a duty, to use every legitimate influence to procure his release. In this we are strengthened by the influential character of our American citizens praying for such release, to say nothing of the letter in Condon's behalf, written by Judge Fitzgerald, of Ireland, and a report of an investigation made by Hon. S. F. Cary, M. C., while in Manchester, immediately after this lamentable occurrence.

In view, therefore, of the prevailing interest felt in the prisoner's behalf throughout the country, and in behalf of his innocence of the offense with which he is charged, or, if guilty of an indiscretion in his acts, that he has already endured sufficient punishment, your committee deem it proper that action should be had by Congress tending to secure intercession on the part of the President for his release, and hence report the accompanying joint resolution, and respectfully ask its passage.

RESOLUTION.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President of the United States be requested to intercede with Her Majesty the Queen of Great Britain and Ireland for the purpose of securing the speedy release of Edward O'Meagher Condon, of Cincinnati, Ohio, who was convicted on a charge of murder in Manchester, England, and is now confined in prison.

H. Rep. 342—2

RELIEF OF THE OFFICERS AND CREWS OF THE WYOMING AND TA-KIANG.

MARCH 31, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MYERS, from the Committee on Naval Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 782.]

This bill proposes to pay from the Japanese indemnity fund 125,000 dollars to the officers and crew of the Wyoming, and the officers and crew detached from the United States ship Jamestown, who manned the Ta-Kiang. As this fund, amounting with interest to \$842,226.33, is mainly the result of the services of these men, in the naval engagements which took place in the straits of Simonoseki in July, 1863, and September, 1864, your committee believe the appropriation to be an act of undoubted justice, and recommend it as in conformity with the practice and precedents heretofore established.

The history of these engagements, with the causes which brought them about, and the excellent results attending them, will, it is believed, fully exhibit the propriety of passing this bill.

In 1863, when nearly all our available naval forces were actively engaged in the patriotic struggle for the maintenance and preservation of the Union, an edict was issued by the Mikado of Japan excluding foreigners from the empire, excepting at certain ports. In pursuance of this edict, one of the Daimios, the Prince of Nagato, erected shore batteries on his side of the narrow and dangerous strait of Simonoseki, and undertook to suppress all commerce and capture or destroy all merchant-vessels attempting to pass through this strait; through which, it must be remembered, nearly all the commerce between China and Japan is carried on.

Accordingly, in June, 1863, the *Pembroke*, an American steamer, bound from Yokohama to Shanghai, when passing through the strait of Simonoseki, was attacked by armed Japanese vessels bearing the ensign of the empire. At the same time the shore batteries opened fire on the *Pembroke*. The attack was made on the *Pembroke* in the night-time and while she was lying at anchor, with her guns lashed. Her topmast was cut away and she was otherwise damaged, and only escaped capture or total destruction by weighing anchor and steaming through "Bungo Channel, a narrow and unfrequented strait."

The Hon. Robert H. Pruyn, then United States minister resident in Japan, made known to the State Department the piratical outrage that had been committed upon the *Pembroke* by the Prince of Nagato, under the Japanese ensign, and in the execution of the anti-national edict of the Mikado, and asked for instructions.

Mr. Seward evidently, after a full consultation with President Lincoln, in reply to the official dispatch of the resident minister, gave him large discretionary power, as the following extract will show :

If, in your judgment, it should be necessary for the Wyoming to use her guns for the safety of the legation or of Americans residing in Japan, *then* her commander will employ all necessary force for that purpose.

The Secretary of the Navy will give all necessary instructions to the commander of the Wyoming in harmony with the views of the President expressed in this dispatch. (See Ex. Doc., vol. 2, 1863-'64, No. 43, page 1127.)

In pursuance of the foregoing authority and instructions, the minister resident issued the following orders :

LEGATION OF THE UNITED STATES,
Yokohama, July 15, 1863.

I indulge the hope that by the time this reaches you their piratical vessels will have been destroyed or captured. If so, you may have been attacked by the batteries, and have doubtless demolished them. Should their ships unfortunately have taken the alarm and escaped, I would recommend that you do not return without vindicating our flag and taking full satisfaction for the outrages upon it.

And I beg you to co-operate with Admiral Juaris in the destruction of the batteries and forts in the territories of the prince, thus giving a lesson which will not soon be forgotten, and which will put a stop to the acts of lawless violence which the hostile Daimios, encouraged by the humane forbearance of the treaty powers, are so ready to commit.

I am, very respectfully, your most obedient, humble servant,
ROBERT H. PRUYN,
Minister Resident in Japan.

Capt. D. McDUGAL,
United States Steamer Wyoming, &c.

In obedience to the orders of the properly constituted authorities of the United States Government, the Wyoming weighed anchor at Kanagawa on the 13th of July, 1863, and set out on her voyage to the strait of Simonoseki. She entered the bay of Simonoseki on the morning of the 16th of July. When she approached the entrance of the bay the fort next to her fired a signal gun, which was answered by all the forts and by the ships in harbor. At this time the Wyoming had no flag up, but upon the signals being fired she hoisted her flag and proceeded into the bay, keeping as close as she could to the northern shore, contrary to the expectations of the Japanese. The first fort immediately opened a heavy fire upon her, and so did all the others, as she moved slowly on, shelling the forts with such an effect as to silence such of them as received her fire. The men in the forts which received shells from the Wyoming were observed to rush off and to jump from the heights in such a precipitate manner as to lead to the belief that the shells must have told with greater effect and done more damage than the Japanese anticipated.

The bark and the brig Lanrick—the two vessels which fired on the Pembroke—were still there, and another vessel also, the steamer Lancefield. Those vessels lay close under the town, the bark being inside, the Lanrick next to her, and the Lancefield outside, with steam up, and a great number of men on board, apparently making preparations to approach and board the Wyoming. Captain McDougal ordered the Wyoming to be taken between the Lancefield and the Lanrick, and prepared to give each of them a broadside in passing. The Lanrick fired first, but immediately after the Wyoming delivered her broadside on the two Japanese vessels and sent a ball through the stern of the Lanrick in such a way as to leave her apparently sinking. The Wyoming moved on slowly, firing into the forts of the town as she went, and making a curve to enable her to return fire on the ships again; but, as she was

turning, the Lancefield moved on across the track of the Wyoming, further into the bay, to escape at the western outlet, but the Wyoming while curving brought her great pivot-gun to bear on the Lancefield in her new position, and sent a ball right through her boiler, causing her to blow up, and scattering destruction through every part of the vessel; steam, cinders, &c., were blown out in all directions, and such of the crew as were not immediately overwhelmed jumped overboard. The Wyoming returned under a slack fire from the forts, and having done all that she deemed necessary for that time, she returned to Kanagawa to report what had taken place. She arrived here about 2 a. m. on the 20th of July. The engagement lasted an hour and ten minutes. The Wyoming received eleven shots, and had four men killed in action and seven wounded, one of whom died on the passage back.

This is substantially the description of the engagement, as it appears in the Japan Commercial News of July 22, 1863.

For a time the punishment inflicted on the Prince of Nagato seemed to be all that could have been desired, but he rebuilt his forts, and fresh insults were offered to the flags of several nations. This conduct was evidently inspired from higher authority, the edict of the Mikado against foreigners being its main instigation, and Great Britain, France, and the Netherlands sent fleets to the bay of Simonoseki to open the passage of the straits, inviting the United States to give the moral force of their presence and to participate in the action. We had at Yokohama at the time but one ship, the Jamestown, a sailing-vessel, and as the current in the straits was very rapid, it was deemed best to charter a small steamer called the Ta-Kiang, which, with the vessels of the powers named, participated in the naval engagement against the shore batteries of the Daimio on September 4, 5, 6, 7, and 8, 1864.

Lieutenant Frederick Pearson, of the Jamestown, was placed in command of the chartered steamer Ta-Kiang by Captain Price, commanding the Jamestown, under the following orders:

UNITED STATES STEAMER JAMESTOWN,
Yokohama, Japan, August 11, 1864.

SIR: You are hereby appointed to the command of the chartered steamer Ta-Kiang, and will proceed in her to the straits of Simonoseki to act in concert with the treaty powers, who will appear in large force at that place.

The object of sending the Ta-Kiang is to show the American flag there, and to manifest to the Prince of Nagato that we are in accord with the other treaty powers, and equally demand with them the passage through the straits without let or hindrance.

As the steamer under your command is not a man-of-war, or prepared to attack the forts, you will render any and every other aid in your power to promote the common object—such as towing boats, landing men, and receiving the wounded on board of you if required to do so. To this end you will consult the senior officer present, particularly the British admiral, who will be senior officer of the expedition, and who will have the largest force there.

Lieutenant Pearson, not satisfied with these orders, obtained permission to take the Ta-Kiang under fire. With three officers and fifteen men, armed with a Parrott gun, or howitzer, and Sharps rifles for each man, the Ta-Kiang went into the battle.

The engagement continued five days, and ended in victory to the fleets, the Japan prince making an unconditional surrender, and, according to Minister Pruyn, "agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition." And Mr. Pruyn also says, (Dip. Cor. 1864-'65, Part 3, page 553,) "Ensign Pearson, of the Jamestown, who was placed in command of the United States chartered steamer Ta-Kiang, I am happy to say, conducted himself so as to receive the special written thanks of Admiral Kuper, com-

manding the combined fleet, and a large bronze 32-pounder gun was assigned to said ship as a trophy. The 30-pounder gun of the *James-town* was used by him with such precision and efficiency as to command universal admiration." And the diplomatic correspondence of J. Hume Brumley to Mr. Seward (Dip. Cor. 1865-'66, Part 2, page 17) shows the warm appreciation of the services of the *Ta-Kiang* by the "lords commissioners, for the ready co-operation which that gallant officer afforded to the British admiral during the whole of the operations in question.

The result was that the Tycoon, being forced to acknowledge and recognize the active hostilities of his subject prince as acts of piracy, was constrained to enter into a conventional treaty with the diplomatic authorities of the United States of America, Great Britain, France, and the Netherlands, which was concluded on the 22d day of October, A. D. 1864, and afterward accepted and ratified by all the aforementioned powers; the public proclamation of all which was formally made by the President of the United States on the 9th day of April, A. D. 1866.

Article I of said treaty stipulates and provides that the Japanese government shall pay to the other four powers the sum of \$3,000,000 as indemnity for piratical depredations of "*Movi Daizen*, Prince of *Negato* and *Smoo*." This sum was to be paid in quarterly installments of \$500,000 each. Part of it was so paid, received, and accepted, and divided by and between the four powers mentioned, the United States Government receiving the sum of \$586,125.87 in gold, which was afterward converted into United States Government bonds, that are still in the custody of the Secretary of State, under the designation of the "Japanese indemnity fund," and now, as above stated, amount to the sum of \$842,226.33. The unpaid installments, of one-half, at the request of the Japanese minister, and in order still further to promote friendship between the United States and Japan, it has been proposed to remit, and a bill for that purpose passed the House of Representatives on May 29, 1872, was reported favorably by the Senate Committee on Foreign Affairs, and was pending at the adjournment of the last Congress.

The Japanese vessels in the engagement of 1863 were destroyed or sunk, and not taken as prizes. Again, as these ships were not, strictly speaking, "enemy's ships," the bounty of \$200 allowed by the act of July 17, 1862, for each person on board of "any ship or vessel of war belonging to an enemy" sunk or otherwise destroyed in an engagement, if of equal or superior force, cannot be claimed as an absolute right.

These vessels were treated as piratical, and their hostile character not recognized by the Japanese government. Yet the Prince of *Nagato* was powerful enough to set that government at defiance, and had he not been finally subdued, there is little doubt that not only would the Straits of *Simonoseki* have been closed to commerce, but several of the ports which had been opened under our treaties; and that the government of Japan would have openly assumed a hostile attitude toward foreigners.

The officers and crew of the *Wyoming* are entitled to no less credit for their brave and meritorious service than if they had sunk or brought in as prize the vessels of an enemy.

A letter of the United States consul at *Yokohama* at that time, Hon. George S. Fisher, to an officer of the Navy, thus speaks of the value of these ships:

The vessels destroyed by the *Wyoming* were the British brig *Alert*, clipper-built, twelve guns, and a very superior sailing-vessel. She was sold to the Japanese government for \$45,000, Mexican money.

The British steamer (iron) *Lancefield*, sold but a few weeks previously ostensibly to the Japanese government, but really to or for the Prince of *Negato*, for \$160,000, Mexi-

can money, and the American bark Daniel Webster, also sold to the Japanese government for \$22,000, Mexican money.

These vessels, with the batteries placed upon the Lancefield and Webster, and the other public property of the enemy upon the three destroyed, amounted in value to full \$300,000 or \$350,000 of our money..

The engagement in September, 1864, in which the Ta-Kiang took so gallant a part, was entirely with shore batteries. It ended, however, not only in silencing them and opening the straits to unimpeded commerce, but in the capture of the town of Simonoseki, part of the indemnity stipulated for in the treaty being for the "ransom" of that town, and the sum to include also all "past aggressions on the part of Nagato," which clearly covers the attack on the Pembroke and the fight with the Wyoming. While the facts stated in relation to these two ships, the Wyoming and Ta-Kiang, do not technically bring them within the principles of our prize-laws, yet the value of the vessels sunk by the Wyoming, two of which were afterwards raised and sold by the Prince of Nagato, who was forced by the Tycoon to pay the indemnity subsequently received by us, and the very large ransom and indemnity which the actions of both these vessels were so instrumental in obtaining, fully entitle their officers and crews to the sum named in the bill reported, the passage of which your committee earnestly recommend.

As there are no other parties who have an equitable claim upon the Japanese indemnity fund, the committee recommend that it be transferred to the Treasury and the bonds canceled.

H. Rep. 343—2

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DES MOINES RIVER GRANT.

MARCH 31, 1874.—Recommended to the Committee on the Public Lands and ordered to be printed.

Mr. ORR, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 1142.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 1142) beg leave to submit the following report :

The following is a copy of the bill :

A BILL to authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$404,228, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used by the Secretary of the Interior for the purpose of securing a relinquishment of the title to the lands lying north of the Raccoon Fork of the Des Moines River, in the State of Iowa, which may be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States in accordance with the report of the commissioners appointed by the President of the United States, under the act of March 3, 1873, entitled "An act to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Raccoon Fork of the Des Moines River, held by settlers under the pre-emption and homestead laws of the United States."

SEC. 2. That the Secretary of the Interior shall require the persons whose names are embraced in the report of said commissioners, or the persons who may be found by examination to be entitled to the benefits of this act by reason of the failure of title to the several parcels of land embraced in said report, to furnish proof of the character of the claim or title to each of said parcels of land; and when such proof shows to the satisfaction of the Secretary that the party making the same has complied, so far as it was in his or her power to do, with the laws and regulations for the acquisition of lands of the public domain, and under which the said parties would, in the absence of any conflicting claim, be entitled to receive an absolute title thereto, he shall cause to be paid a sum not to exceed in amount the appraised value thereof, to the owners in cases where a relinquishment to the United States of their title can be procured for that amount, but otherwise the same amount shall be paid to the persons entitling themselves to the same by making the proofs as aforesaid, taking the receipts of the said parties for the same: *Provided*, That a patent duly issued in the regular form by the President of the United States shall be conclusive evidence of a compliance with the provisions of this section relating to proof: *And provided further*, That in making payments under the provisions of this act, in all cases where the Government price has not been paid by the purchasers at the time of or subsequent to the entry of the same, that amount shall be deducted from the amount at which such land is appraised by said commissioners, and payment, when made under the provisions of this act, shall be only of the amount of such difference.

The legislation asked for by this bill is upon the grounds which can be properly understood only by a brief recital of the history of the transactions in this case.

On the 8th day of August, 1846, (9 St. at Large, pp. 77, 78,) Congress granted to Iowa one-half of the unsold public land lying in a strip ten miles wide adjacent to the Des Moines River, to be selected in odd-numbered sections to aid in the improvement of the navigation of the river to the Raccoon Forks thereof. The river enters the State a short distance east of the northwest corner, and runs thence diagonally across it to the southeast corner. The capital of the State (Des Moines) is about mid-length of the river, and is situated at the confluence of the Raccoon and Des Moines Rivers. The lands in question lie in the strip north and west of the capital.

The act of August 8, 1846, above referred to, is as follows :

AN ACT granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, (so called,) in said Territory, one equal moiety, in alternate sections, of the public lands, (remaining unsold and not otherwise disposed of, incumbered, or appropriated,) in a strip five miles in width on each side of said river, to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

SEC. 2. *And be it further enacted,* That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvement shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of thirty thousand dollars, and then the sales shall cease until the governor of said Territory or State shall certify the fact to the President of the United States that one-half of said sum has been expended upon said improvements, when the said Territory or State may sell and convey a quantity of the residue of said lands sufficient to replace the amount expended, and thus the sales shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

SEC. 3. *And be it further enacted,* That the said river Des Moines shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service passing through or along the same: *Provided, always,* That it shall not be competent for the said Territory, or future State of Iowa, to dispose of said lands, or any of them, at a price lower than, for the time being, shall be the minimum price of other public lands.

SEC. 4. *And be it further enacted,* That whenever the Territory of Iowa shall be admitted into the Union as a State, the lands hereby granted for the above purpose shall be and become the property of said State for the purpose contemplated in this act, and for no other: *Provided,* The legislature of the State of Iowa shall accept the said grant for the said purpose.

Approved August 8, 1846.

This bill was passed in the Twenty-ninth Congress, and the Committee on the Public Lands in the House, to whom the same had been referred, made the following report:

Mr. McCLEARNAND, from the Committee on the Public Lands, made the following report:

The Committee on the Public Lands, to whom was referred the petition of certain citizens of Iowa for a grant of land for the improvement of the Des Moines River, and also a bill introduced on that subject by Hon. A. C. Dodge, Delegate from Iowa, ask leave to report:

That the Des Moines River is one of the largest and most important tributaries of the Mississippi above the Missouri. It rises in the Shetek Lakes, on a ridge of land in latitude 44° 3' north, and, flowing through a lake country and through swampy grounds, in its upper course, it subsequently receives Lizard and Raccoon Rivers on the right and Sunka-kea and Roon's Rivers on the left; all considerable streams. Its waters are rolled through a highly fertile and beautiful region, nearly all of which is now in possession of the United States, and the lower portion of which is now occupied and improved to the Raccoon River by a hardy and industrious population, who are testing the productiveness of the soil by well-directed labor, and bringing out the resources of the country, and daily adding value to the public domain in this quarter. Portions of

this stream, in its course of upward of five hundred miles, have already been visited by boats on several occasions, and proved to be adapted to steamboat-navigation for considerable distances without any improvement. Other portions intermediate require that improvement should be made by the removal of existing obstructions, in order to have a clear, uninterrupted navigation. An expenditure not great, compared with the object, will make this stream navigable, for a small class of steamboats, for upward of three hundred miles. It is now navigable for such boats, *during a portion of the year*, in the spring floods, as high as the Buffalo Fork, which is two hundred miles from its mouth. Over this portion some expenditure will be necessary, however, to render it navigable at all times.

The grant of land provided by the bill which accompanies this report is similar in its character and object to many heretofore made by Congress to several of the Western States and Territories, and, at the same time, is less in amount, but it is believed will be sufficient to accomplish the desired improvement. This river has been examined by Captains Guion and Frémont, of the topographical engineers, and their reports on the subject are referred to for a clearer understanding of the character of the river and country, its susceptibility of improvement, and the advantages thereof. Many of the difficulties in the navigation of this stream are caused by ripples, and may be overcome by making slack water; others may be removed by taking away rocks, and by other means, such as the removal of snags and trees. Captain Guion, who examined it from its mouth to seventeen miles above Racoon, suggests the several modes last named, and adds: "The Des Moines is a beautiful river, 220 feet wide where I ceased operations, and increasing in width from 440 below the mouth of Racoon Fork to 630 at the trading-house," (this is one hundred miles from the mouth,) "while its banks present one of the most fertile and lovely countries nature ever presented to the view of man, abounding in immense fields of bituminous coal from Racoon Fork nearly to its mouth. Iron, too, I found scattered along the banks of the river." (Ex. Doc. 27th Congress, 3d session, Doc. 33.)

Captain Frémont says: "From the Racoon Fork to its mouth the Des Moines winds a circuitous length of two hundred and three miles through the level and rich alluvium of a valley one hundred and forty miles long, and varying in breadth from one to three and sometimes four miles. Along its whole course are strips of dense wood, alternate with rich prairies entirely beyond the reach of the highest waters, which seldom rise more than 8 feet above the low stage."

"Steamboats drawing 4 feet water may run to the mouth of Cedar River from the 1st of April to the middle of June; and keel-boats drawing 2 feet, from the 20th of March to the 1st of July; and those drawing 20 inches, again from the middle of October to the 20th of November. Mr. Phelps ran a Mississippi steamer to this post, a distance of eighty-seven miles from the mouth. From these observations it will be seen that this river is highly susceptible of improvement, presenting nowhere any obstacles that would not yield readily and at slight expense. The removal of loose stone at some points, and the construction of artificial banks at some few others, to destroy the abrupt bends, would be all that is required. The variable nature of the bed and the velocity of the current would keep the channel constantly clear."—(Ex. Doc. 34, 27th Congress, 3d session.)

The relation of the Des Moines with the Saint Peter's, and, through that, its connection with other waters, presents a consideration not to be overlooked in deciding on the expediency of improving its navigability. On this point the following interesting fact is communicated by Mr. Nicollet:

"The hydrographical relations of the Des Moines with the Manhato, Saint Peter's, and Mississippi Rivers present a geographical incident of some interest. By referring to the map, in latitude $43^{\circ} 45'$, longitude $95^{\circ} 12'$, it will be seen that there is a lake, very near the Des Moines, named Tchanshetcha or Dry-wood Lake. The Watanwon River, which is a tributary to the Manhato, that empties itself into the Saint Peter's, has its source in this lake. Now the tongue of land separating the Des Moines from Tchanshetcha Lake is not more than a mile to a mile and a half broad; so that were a canal cut across the waters of the Des Moines would be made to communicate with the Saint Peter's."

On a careful examination of this subject, and confiding in the reports above referred to, the committee have concluded to report the accompanying bill, with a recommendation that it do pass.

Accompanying said report of the committee the following letter of the Commissioner of the General Land-Office, in reply to inquiries touching the effect and scope of the legislation asked for by the bill, was also submitted, and is as follows:

GENERAL LAND-OFFICE, May 5, 1846.

SIR: In answer to your inquiry, I have the honor to state that the amount of unsold land within five miles on each side of the Des Moines River, from its mouth to the

Raccoon Fork, proposed to be granted to the Territory of Iowa by House bill No. 106, is estimated at 261,000 acres.

There have been sold in the Territory of Iowa, to the 1st of January, 1846, 1,730,050 acres, and the amount of purchase-money received by the United States, to the same date, is \$2,164,102.

Very respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner.*

Hon. A. C. Dodge,

House of Representatives.

On the 17th day of October, 1846, Mr. James H. Piper, Acting Commissioner of the General Land-Office, addressed the following letter to the register and receiver of the land-office at Iowa City relating to this grant :

GENERAL LAND OFFICE, *October 17, 1846.*

GENTLEMEN: By the first section of the act of Congress approved 8th of August, 1846, entitled "An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory," it is enacted that there be, and hereby is, granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, (so called.) in said Territory, one equal moiety, in alternate sections of the public lands, (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five miles in width on each side of said river, to be selected within said Territory by an agent, or agents, to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States."

This grant, you perceive, affects the land five miles in width on each side of the Des Moines, from the southern boundary of your district to the Raccoon Fork of the Des Moines, as shown by the inclosed diagram. No action can be had by you in this matter, however, till you are advised by the governor whether he will select the sections with the odd or those with the even numbered. As soon as you are so advised you will please reserve from sale or entry of any kind all the unsold and unappropriated lands in the sections selected by him till further orders from this office.

Very respectfully, your obedient servant,

JAMES H. PIPER,

Acting Commissioner.

REGISTER and RECEIVER,

Iowa City, Iowa.

On the 9th of January, 1847, the legislature of Iowa accepted the grant, and appointed agents to select the lands embraced in the grant, under the direction of Mr. Piper, Acting Commissioner of the General Land-Office. No lands were selected north and west of the Raccoon Fork at this time. This construction of the grant was acquiesced in for some time, and the country north of Raccoon Fork was occupied by settlers.

On the 23d day of February, 1848, Richard M. Young, Commissioner of the General Land-Office, wrote the board of public works, which had been created by a joint resolution of the general assembly of Iowa, approved January 9, 1847, for the purpose of carrying out the trust and improving the Des Moines River, in which he placed upon the grant of 1846 a construction different from that of Acting Commissioner Piper. The letter of Mr. Young is as follows :

A question has arisen as to the extent of the grant made to Iowa by the act of 8th August, 1846, and the opinion of this Office has been requested on that point.

By the terms of the law the grant is of an equal moiety in alternate sections of the public lands remaining unsold and not otherwise disposed of, incumbered or appropriated, in a strip five miles in width on each side of the river, to be selected within said territory, &c., and the proceeds are to be applied in the improvement of the navigation of that river from its mouth to the Raccoon Forks. Hence the State is entitled to the alternate sections within five miles of the Des Moines River, throughout the whole extent of that river, within the limits of Iowa.

Very respectfully, your obedient servant,

RICHARD M. YOUNG,

Commissioner.

CHARLES CORKERY, Esq.,

Secretary Board of Public Works, Fairfield, Iowa.

Notwithstanding the opinion expressed in the above letter of the Commissioner as to the extent of the grant, the President, on the 19th day of June, 1848, proclaimed the lands for sale at the Iowa City land-office, the sale to take place on the 16th day of October, 1848. The usual notice was given to pre-emptors to make the required proofs and pay for their lands, and many of them did so, and these titles had not been questioned for many years.

On the 18th day of September, 1848, the board of public works wrote the Commissioner of the General Land-Office, remonstrating against the sale as public lands of any lands above the Raccoon Fork which he had by his letter of February 23, 1848, decided were included in the grant of 1846. This remonstrance is as follows, and signed by the secretary of the board :

OFFICE OF THE BOARD OF PUBLIC WORKS,
Keokuk, Iowa, September 18, 1848.

SIR: The attention of this office has been called to the proclamation of the President of the United States, bearing date the 19th of June last, for the sale of lands in Iowa, by which I perceive that lands donated to this State for the improvement of the Des Moines River, are to be offered for sale at Iowa City on Monday, the 16th October next. These lands are situated above the Raccoon Fork of the Des Moines River, in townships Nos. 79, 80, range Nos. 25, 26, &c., and a sale by the United States will be in conflict with your opinion expressed to me in your letter of the 23d of February last, in which you say that the State is entitled to the alternate sections within five miles of the Des Moines River throughout the whole extent of that river within the limits of Iowa.

Your very liberal opinion has influenced this board to place sixty miles of the contemplated improvement under contract, in addition to the thirty miles first let, and the State would now be greatly embarrassed by any impediment to her favorable prospects in this regard. We believe that the fact of having those lands embraced in the proclamation was an oversight, without any intention to curtail the resources of the State, and that it will be corrected on being discovered.

Very respectfully, your obedient servant,

CHARLES CORKERY.

Hon. R. M. YOUNG,
Commissioner General Land-Office.

On the 8th January, 1849, the Senators and Representatives of Iowa, then in Washington, addressed a letter to the Hon. R. J. Walker, Secretary of the Treasury, also remonstrating against the action of the Commissioner of the General Land-Office in limiting the extent of the grant to the Raccoon Forks, which he had done negatively by issuing the proclamation of June 19, 1848, although he had not formally promulgated any opinion different from that expressed in his letter of February 23, 1848. In answer to this letter of the delegation from Iowa, the Secretary made the following response :

TREASURY DEPARTMENT, March 2, 1849.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of 8th January last, and accompanying papers, on the construction of the act of Congress "granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory," approved 8th August, 1846. I concur with you in the views contained in your communication, and am of the opinion that the grant in question extends, as therein stated, *on both sides of the river from its source to its mouth*, but not to lands on the river in the State of Missouri. I have transmitted your communication and accompanying papers, with a copy of this letter, to the Commissioner of the General Land-Office.

I have the honor, &c.,

R. J. WALKER,
Secretary of Treasury.

Messrs. A. C. DODGE, and others.

On the same day the Secretary also addressed to the Commissioner of the General Land-Office a letter as follows :

TREASURY DEPARTMENT, *March 2, 1849.*

SIR: For your information and government on the subject to which it refers I inclose a copy of a letter, addressed by me under this date, to members in both Houses of Congress from the State of Iowa, with reference to the construction of the act of 8th of August, 1846, granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River. I also inclose a letter to which the within is a reply, and accompanying papers.

Very respectfully,

R. M. WALKER.

R. M. YOUNG, *Commissioner.*

On the 1st day of June, 1849, Mr. Young, the Commissioner, wrote the register and receiver at Iowa City the following letter :

GENERAL LAND-OFFICE, *June 1, 1849.*

GENTLEMEN: The Secretary of the Treasury having decided that the grant to the State of Iowa under the act of the 8th of August, 1846, extended along the Des Moines River to its source, and that it did not stop at the Raccoon Fork, as this office had previously decided, you are hereby directed to withhold from sale all lands situated on the odd-numbered sections within five miles on each side of that river above the Raccoon Fork. Inclosed I send you a diagram, upon which the State selections above that point are colored yellow.

I have also to request that you will make out a list, showing the sales and locations which have been made within these selections, as it is designed to endeavor to procure some legislative action on the part of Congress confirmatory of them. The diagram inclosed extends 83 north, 26 west, being as far as the surveys have progressed in that direction.

I am, very respectfully, your obedient servant,

R. M. YOUNG,
Commissioner.

REGISTER AND RECEIVER,
Iowa City, Iowa.

This construction was sustained by the opinion of the Attorney-General, and we submit a copy of the syllabus of the opinion of Attorney-General Johnson addressed to the President, of date July 19, 1850, reported in volume 5, page 240, Opinions of Attorneys-General:

The grant of alternate sections of land on the Des Moines River to Iowa by the act of 8th August, 1846, extends the entire length of the stream, as well above as below the Raccoon Fork. The purpose of the grant was to aid Iowa to improve the navigation of the said river from its mouth to the Raccoon Fork, but the grant itself is not limited to the section to be thus improved.

But the question was disposed of by a former Secretary of the Treasury while the Land-Office belonged to his Department, and the subject is now *res adjudicata* and beyond the control of the Secretary of the Interior. (*Bank of the Metropolis vs. The United States*, 15 Peters, 401.)

This construction being questioned, a case was made before Mr. Ewing, Secretary of the Interior, and upon the 6th day of April, 1850, he reversed the ruling of Mr. Walker, and held that the grant was limited to Raccoon Fork, and on the same day he wrote the Commissioner of the General Land-Office the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, April 6, 1850.

SIR: Having considered the question submitted to me connected with the claim of the State of Iowa to select under the act of August 8, 1846, lands for the improvement of the Des Moines River, I am clearly of the opinion that you cannot recognize the grant as extending above the Raccoon Fork without the aid of an explanatory act of Congress. It is clear to my mind, from the language of the act of August 8, 1846, itself, that it was not the intent of the act to extend it farther. My construction is confirmed by the report of the committee and the accompanying papers. If in any report to Congress you have recognized the grant as extending to the source of the river, it will be proper to correct it, that Congress, if they see fit, may extend the grant. The

opinion expressed by the late Secretary of the Treasury on the subject is entitled to great respect, but I cannot concur in it, and the law not having been carried into effect by him, his opinion, merely expressed, is open for reversion.

The lists of selections and other papers submitted with your letter of the 13th ultimo are herewith returned.

As Congress is now in session, and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

I am, sir, very respectfully, your obedient servant,

T. EWING, *Secretary.*

The COMMISSIONER of the General Land-Office.

Mr. Ewing's successor, Mr. Stuart, held a different opinion, and on the 29th day of October, 1851, he ruled that the grant of August 8, 1846, extended to the north line of the State of Iowa. The following is his letter to the Commissioner of the General Land-Office upon that subject :

DEPARTMENT OF THE INTERIOR,

Washington, October 29, 1851.

SIR : I herewith return all the papers in the Des Moines case, which were recalled from your office about the first of the present month. I have reconsidered and carefully revised my decision of the 26th of July last, and in doing so find that no decision which I can make will be final, as the question involved partakes more of a judicial than of an executive character, which must ultimately be determined by the judicial tribunals of the country ; and although my own opinion on the true construction of the grant is unchanged, yet, in view of the great conflict of opinion among the executive officers of the Government, and also in view of the opinion of several eminent jurists which have been presented to me in favor of the construction contended for by the State, I am willing to recognize the claim of the State, and to approve the selections without prejudice to the rights, if any there be, of other parties, thus leaving the question as to the proper construction of the statute entirely open to the action of the judiciary.

You will please, therefore, as soon as may be practicable, submit for my approval such lists as have been prepared, and proceed to report for like approval lists of the alternate sections claimed by the State of Iowa, above the Raccoon Fork as far as the surveys have progressed or may hereafter be completed and returned.

I am, sir, very respectfully, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

The COMMISSIONER of the General Land-Office.

Mr. Stuart had also requested the opinion of the Attorney-General, and we submit a copy of the syllabus of the opinion of Attorney-General Crittenden, delivered to Secretary Stuart, of date June 30, 1851, reported in volume 5, Opinions of Attorneys-General, page 390 :

The act of Congress of 8th August, 1846, granting to the Territory of Iowa, for the purpose of aiding to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, one equal moiety in alternate sections of the public lands in a strip five miles in width on each side of said river, to be selected, &c., subject to the approval of the Secretary of the Treasury, did not include the land above Raccoon Fork.

The opinion of the Secretary of the Treasury on this subject, expressed on the 2d of March, 1849, has no obligatory effect on the power of his successor to reject the selections made under it in the event of a disagreement as to the proper construction of the act.

Nor was the opinion of Attorney-General of July 19, 1850, more than advisory. No law makes it binding upon the Secretary of the Interior.

Under this ruling of Secretary Stuart the lands north of Raccoon Fork, for a distance of eighty miles, were certified as inuring to Iowa under the act of 1846, and the following is Mr. Stuart's approval thereof :

DEPARTMENT OF THE INTERIOR,

October 30, 1851.

The selections embraced in the within list (No. 3) are hereby approved, in accordance with the view expressed in my letter of the 29th instant to the Commissioner of

the General Land-Office, subject to any rights which may have existed at the time the selections were made known to the land-office by the agents of the State, it being expressly understood that this approval conveys to the State no title to any tract or tracts which may have been sold or otherwise disposed of prior to the receipt by the local land-officers of the letter of the Commissioner of the General Land-Office communicating the decision of Mr. Secretary Walker, to the effect that the grant extended above the Raccoon Fork.

ALEX. H. H. STUART, *Secretary.*

And these are the lands embraced in the bill under consideration.

Again, on the 25th day of March, 1856, the Commissioner of the General Land-Office, in a case before him, decided that the grant of 1846 did not extend above Raccoon Fork. On appeal, Mr. McClelland, Secretary of the Interior, sustained the Commissioner, but he referred the matter to the Attorney-General, Mr. Cushing, who under date of May 10, 1856, in an elaborate opinion sustained the Commissioner upon the questions of law and fact involved, but in view of the former conflicting rulings of the Department touching the question, he suggested conformity to the ruling of Mr. Stuart, if the State of Iowa would agree to release, &c.

We copy the syllabus of the opinion reported in volume 7, page 691, *Opinions of Attorneys-General.*

Congress in 1846, for the purpose of improving the navigation of the Des Moines River from its mouth to the Raccoon Fork, granted to the Territory of Iowa alternate sections of land in a strip five miles in width on each side of said river.

As construed by the Government at the time, and as accepted by the State of Iowa, this grant extended only to the Raccoon Fork.

Subsequently to this, the Secretary for the time being (Walker) expressed an opinion that the grant extended up the river to its source, but went out of office the next day without this opinion having received execution. The succeeding Secretary (Ewing) entertained a different opinion, and refused to approve selections above the fork.

Reference being made to the Attorney-General, (Johnson,) he expressed opinion that the grant extended to the source of the river, but the Secretary did not act on that opinion.

Reference was then made to the succeeding Attorney-General, (Crittenden,) who held that the grant did not extend above the fork.

The Secretary (Stuart) entertained and officially expressed the same opinion; but without changing his opinion, and in his order expressly saying it was unchanged, he ordered selections to be allowed above the fork up to the north boundary of the State.

On question of duty of the present Secretary, (McClelland,) it is held—

I. The true construction of the act and its intention were to grant lands from the mouth of the river to Raccoon Fork and no farther.

II. Even if by construction heretofore the grant extended above the fork, it cannot pass beyond the limits of the State of Iowa into Minnesota.

III. The opinion expressed by Secretary Walker being opinion only, did not conclude any of his successors or bind the Government.

IV. The action of Secretary Stuart cannot be reversed by his successor in so far as regards selections made and approved by him, but is not obligatory any further on himself or his successors.

V. The opinion of the Attorney-General for the time being is in terms advisory to the Secretary who calls for it; but it is obligatory as the law of the case, unless, on appeal by such Secretary to the common superior of himself and the Attorney-General, namely the President of the United States, it be by the latter overruled.

VI. In the present state of this question the actual Secretary is free to elect either to act on the opinion of Secretary Walker as construed by Secretary Stuart, and approve up to the northern boundary of the State, but no higher, or to return to the true and original construction of the act, refusing to allow further selections above Raccoon Fork.

VII. But the Secretary cannot lawfully acquiesce in and abide by the rule of action of Secretary Stuart unless that rule be also accepted by the State of Iowa; it no more binds one than the other, and unless the State relinquishes all claim to land above its north boundary the Secretary is bound to refuse to permit selections above Raccoon Fork.

It appears, however, that Mr. McClelland did not follow the advice of the Attorney-General, because on the 10th day of November, 1856, when

requested to certify the remaining portion of the land as inuring to Iowa under the act of 1846, he declined to do so.

His letter upon the subject was addressed to Hon. Reverdy Johnson, of which the following is a copy :

DEPARTMENT OF THE INTERIOR,
November 10, 1856.

SIR: Having duly considered the subject brought to my attention personally a few days since, and specially referred to in your letter of this date, I have not been able to satisfy myself that the Department has any power to issue patents where the law not only does not authorize it to be done, but provides another mode for the passing of the title to the lands in question; and the practice having been in accordance with this view of the absence of authority, I deem it proper to adhere to it.

In the opinion of the Attorney-General of the 29th May last, in the Des Moines River case, it is so stated: In so far as regards selections already approved, whether by yourself or by Mr. Stuart, it is clear that the Government cannot undo that. What Mr. Stuart did in this respect with deliberation, what you did without the question involved being suggested to you, was, in each case, done by the competent legal authority, and binds the Government. One Secretary has no more lawful power to undo a thing lawfully done by his predecessor in a matter of grant than in a matter of account—no more right where a settlement is in favor of a third party than where it is in favor of the United States. Where a thing is decided and done by the head of a Department acting within the scope of his lawful authority, it can be revised by his successor only on the ground of mistake in a matter of fact on the discovery and production of material new testimony.—(Mr. Crittenden's opinion of December 25, 1852, U. S. See also *Bank of Metropolis vs. United States*, 15 Peters, p. 400; *ex parte Randolph*, 2 Brocken, p. 470.) If the acts of Mr. Stuart and yourself in this respect had undertaken (as they do not) to dispose of any contending rights of third parties, the latter would have had their remedy at law. But what you have done is final as respects the United States.

In the foregoing views of the Attorney-General I have concurred; and for the reason that the acts of approval by Mr. Stuart and myself have divested the United States of the title, I can see still further ground to decline issuing a patent or patents, as that would be assuming that the title had not yet passed, and the question would be yet open for adjustment, like selections not yet approved.

Respectfully, your obedient servant,

R. McCLELLAND,
Secretary.

Hon. R. JOHNSON,
Baltimore, Md.

Mr. Johnson was acting as attorney for the Des Moines Navigation and Railroad Company, upon which the State had confirmed the grant. Hence there remained, not certified, the lands in a belt near one hundred miles long.

In January, 1849, the State of Iowa created a board of public works, and undertook the improvement of the navigation of the river through the board, and did an amount of labor thereon and sold portions of the land.

On the 9th day of June, 1854, the State contracted with a corporation, known as the Des Moines Navigation and Railroad Company, to complete the improvement, estimated to cost \$1,300,000, and agreed to convey to the company all the land then or thereafter to be certified to Iowa for improvement purposes.

When the Commissioner of the General Land Office and the Secretary of the Interior, on the 10th day of November, 1856, declined to certify any more lands under the grant, the company declined to proceed with the work, and dispute arose between the State and the company, which, by joint resolution of the Iowa legislature, approved March 22, 1858, was settled; the State conveying to the company *all the lands* certified to the State at that date, under the act of 1846, in payment of all claims of the company against the State on account of the improvement, and

the improvement of the navigation of the river was thereafter abandoned.

The following is a copy of the joint resolution of the Iowa legislature respecting the settlement, future grant, &c.:

JOINT RESOLUTION containing propositions for a settlement with the Des Moines Navigation and Railroad Company.

Whereas the Des Moines Navigation and Railroad Company have heretofore claimed, and do now claim, to have entered into certain contracts with the State of Iowa, by its officers and agents, concerning the improvement of the Des Moines River in the State of Iowa; and whereas disagreements and misunderstandings have arisen, and do now exist, between the States of Iowa and said company, and it being conceived to be the interests of all parties concerned to have said matters and all matters and things between said company and the State of Iowa settled and adjusted: now, therefore,

Be it resolved by the general assembly of the State of Iowa, That for the purpose of such settlement, and for that purpose only, the following propositions are made by the State to said company: That the said company shall execute to the State of Iowa full releases and discharges of all contracts, agreements, and claims with or against the State, including rights to water-rents which may have heretofore or do now exist, and all claims of all kinds against the State of Iowa and the lands connected with the Des Moines River improvement, excepting such as are hereby by the State secured to the said company, and also surrender to said State the dredge-boat and its appurtenances, belonging to said improvement; and the State of Iowa shall, by its proper officer, certify and convey to the said company all lands granted by an act of Congress, approved August 8, 1846, to the then Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold or conveyed, or agreed to be sold or conveyed, by the State of Iowa by its officers and agents prior to the 23d day of December, 1853, under said grant; and said company, or its assignees, shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have, under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the cost and charges of said company; and the State to hold all the balance of said lands, and all rights, powers, and privileges under and by virtue of said grant, entirely released from any claim by or through said company; and it is understood that among the lands excepted and not granted by the State to said company, are 25,487.87 acres lying immediately above Racoon Forks, supposed to have been sold by the General Government, but claimed by the State of Iowa; and it is further agreed that said company release and convey to the State of Iowa, or its representatives, all materials of every kind and description, prepared for or intended for the construction of locks or dams in said improvement, wheresoever the same may be, and the State shall take the existing contracts, but no other liabilities of any name or nature excepting as herein provided, for constructing or repairing the works on said improvement at Keosauqua, Bentonsport, Plymouth, and Croton, and no other or different, with all liabilities and advantages arising upon said contracts and percentage retained thereon, excepting that the company shall pay all estimates for work done or material prepared up to this date, beyond the percentage retained from the contractors under their agreements; and the said company shall be discharged from all claims against the State or the said improvement, or any of its officers or agents, arising from or growing out of any agreement or liability prior to the 9th day of June, 1854; and said company shall be discharged from all liability for the claims of the officers of the State for services or salaries. The said company hereby agree to pay the State the sum of twenty thousand dollars, which sum shall be paid to the order of the commissioner of the Des Moines River improvement as fast as he may require the same, to liquidate existing liabilities against said Des Moines River improvement, on thirty days' notice given to said company at their office in the city of New York; and any bonds or certificates of indebtedness against said improvement not exceeding in amount the sum of eleven thousand dollars, which are now due and unpaid, are to be received in part payment of said sum of twenty thousand dollars: *Provided*, That no liabilities assumed by the State in this contract shall be a charge against the State in her sovereign capacity, but all such liabilities, if any, shall be chargeable upon and payable out of the remaining lands belonging to the Des Moines River grant: *And provided also*, That if Congress shall permit a diversion of the lands of said Des Moines River grant, or the title thereto shall become vested in the State, so as to become subject to grant, the said remaining lands, after the payment of all the liabilities as aforesaid, against said improvement and the completion of such locks and dams in the Des Moines River as the legislature shall direct, shall be granted to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to

aid in the construction of a railroad, up and along the valley of the Des Moines River, upon such terms and in such manner as the legislature may provide; one-fourth of which said lands shall be applied by said company to aid in the construction of said road above the city of Des Moines: *And provided further*, That if the Des Moines Navigation and Railroad Company shall ratify and accept these propositions for a contract by filing a written acceptance thereof in the office of secretary of state within sixty days from the passage of this joint resolution, then this contract shall be in force and bind both of the parties thereto.

Approved March 22, 1858.

In pursuance of this resolution the governor conveyed to the navigation company, during 1858, all the lands then certified to it as belonging to the grant of August 8, 1846, by several deeds, and the following is the form of such conveyances:

This indenture, made this 18th day of May, one thousand eight hundred and fifty-eight, by and between the State of Iowa, party of the first part, and the Des Moines Navigation and Railroad Company, parties of the second part, witnesseth, that the said party of the first part, for and in consideration of one dollar paid by the parties of the second part, and in pursuance of the contracts and agreements between the State of Iowa and the said Des Moines Navigation and Railroad Company for the improvement of the navigation of the Des Moines River in the State of Iowa, and in pursuance of a joint resolution of the General Assembly of the State of Iowa, approved the 22d day of March, 1858, does hereby sell, grant, bargain, and convey to the said Des Moines Navigation and Railroad Company the following-described lands, to wit: All lands granted by an act of Congress approved August 8, 1846, to the then Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold and conveyed, or agreed to be sold or conveyed by the State, by its officers and agents, prior to the 23d day of December, 1853, under said grant; and said company or its assigns shall have right to all of said lands so herein granted to them as fully as the State of Iowa could have under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions, or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said company, and the State to hold all the balance of said lands, and all rights, powers, and privileges under and by virtue of said grant entirely released from any claim by or through said company. And it is understood that among the lands excepted and not granted by the State to said company are 25,487.87 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government, but claimed by the State of Iowa.

To have and to hold the above described lands and each and every parcel thereof, with all the rights, privileges, immunities, and appurtenances of whatever nature thereunto belonging or appertaining unto the Des Moines Navigation and Railroad Company, their successors and assigns forever in fee-simple.

In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed.

Given under my hand, at the city of Des Moines, the day and year first above written, and of the State of Iowa

[L. S.]

RALPH P. LOWE.

By the Governor:

ELIJAH SELLS, *Secretary of State*,

By JNO. M. DAVIS, *Deputy*.

The 25,487.87 acres excepted are the lands sold by the United States at the Iowa City land-office in 1848, and which have never been certified to the State under the grant of 1846. These titles have never been seriously questioned.

In May, 1856, Congress granted lands to the State of Iowa to aid in constructing four railroads across the State, from east to west. Three of the lines crossed the land in question at and above Raccoon Fork. The law granting the land (11 United States Statutes at Large, pp. 9 and 10) is as follows:

AN ACT making a grant of lands to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of railroads from Burlington, on the Missis-

issippi River, to a point on the Missouri River, near the mouth of the Platte River; from the city of Davenport, via Iowa City and Fort Des Moines, to Council Bluffs; from Lyons City northwesterly to a point of intersection with the main line of the Iowa Central Air-Line Railroad, near Maquoketa, thence on said main line, running as near as practicable to the forty-second parallel across the said State to the Missouri River, from the city of Dubuque to a point on the Missouri River near Sioux City, with a branch from the mouth of the Tete Des Morts to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land, designated by odd numbers, for six sections in width on each side of each of said roads. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections, or any parts thereof, granted as aforesaid, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the rights of pre-emption have attached as aforesaid; which lands (thus selected in lieu of those sold and [to] which pre-emption rights have attached, as aforesaid, together with the sections, and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of Iowa for the use and purpose aforesaid: *Provided*, That the land to be so located shall, in no case, be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: *Provided further*, That the lands hereby granted for and on account of said roads severally shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railways through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted*, That the sections and parts of sections of land which, by such grants, shall remain to the United States within six miles on each side of said roads, shall not be sold for less than double the minimum price of public lands when sold; nor shall any of said lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof, for the purpose aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following: that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of twenty miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads, may be sold, and so from time to time until said roads are completed; and if any of said roads are not completed within ten years, no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted*, That the United States mail shall be transported over said roads, under the direction of the Post-Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law, the Postmaster-General shall have the power to determine the same.

Approved May 15, 1856.

The State of Iowa, by an act of the legislature approved July 14, 1856, conferred the lands granted by this act of Congress upon four railroad companies, and the Mississippi and Missouri River Railroad Company, the Central Air-Line Railroad Company, and the Dubuque and Pacific Railroad Company received the grants touching the land under consideration. These companies claimed the odd-numbered sections within

five miles of the Des Moines River within their limits (fifteen miles of their location) as inuring under the grant of May 15, 1856, for railroad purposes, and at the December term, 1859, of the Supreme Court of the United States, the question came before the court in the case of Litchfield against the Dubuque and Sioux City Railroad, and the court unanimously held that the grant of 1846 was limited to the Raccoon Fork, and that the selection and certification of lands above that point, under that act, were unauthorized and passed no title to Litchfield, who was grantee of the Des Moines Navigation and Railroad Company. The case is reported in 23 Howard Reports, 66.

In this case the court did not pass upon the defendant's title; it simply held that the plaintiff had no title, and dismissed his bill. Yet, upon the belief that the defendant took title by virtue of the railroad grant of May 15, 1856, and the action of the Iowa legislature, and that such was the determination of the court, the Land Department treated these lands as falling to the railroads crossing the grant, as the subjoined copy of the following correspondence will show:

DEPARTMENT OF THE INTERIOR,
General Land-Office, Washington, D. C., February 23, 1863.

SIR: Herewith I have the honor to lay before you a map exhibiting that portion of the route of the Des Moines improvement interest as claimed north of the Raccoon, under the original grant by act of 8th August, 1846, (vol. 9, page 77,) and also the lines of three railroads which traverse the same from east to west, in virtue of the railroad grant to the State by act of 15th of May, 1856, (vol. 11, page 9,) and in reference to the matter respectfully submit the following:

1st. Under a construction given to the Des Moines grant of 8th August, 1846, there was certified conditionally, by your predecessors tracts above the Raccoon Forks amounting in the aggregate to acres.....	271,572.24
But in the case of the Dubuque and Pacific Railroad Company vs. Litchfield, 23 Howard, the Supreme Court settled the principle whereby the Des Moines improvement claim above the Raccoon Forks, under said act of 8th August, 1846, was set aside and rejected. 2d. The State of Iowa thereupon came forward, under the railroad grant by act of 15th May, 1856, (vol. 11, page 9,) and selects, of the same lands mentioned under the first head, the quantity of acres	202,509.44
Leaving an area of acres of said Des Moines selections not interfered with by the railroads.....	69,062.80

The railroad selections thus made, and entered in lists Nos. 33 to 42 inclusive, herewith, embrace "sections in place" and "indemnity" selections for the Dubuque and Sioux City, the Iowa Central Air-Line, the Mississippi and Missouri Railroads, according to Schedule B, herewith.

The conflict of these railroad selections with the Des Moines was presented to your predecessor in report dated March 18, 1862, in connection with the joint resolution approved March 2, 1861, (Statutes 1860-'61, page 251,) which declares "that all the titles which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Forks thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress approved August eight, eighteen hundred and forty-six, and which is now held by *bona-fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa."

Secretary Smith, upon said report, ruled, under date 10th April, 1862, that "such of the lands as are embraced in the act making the railroad grant, approved May 15, 1856, are to be disposed of according to the terms of that act, and that without any regard to the fact of their having been certified under the act of 8th August, 1846," and further directed that "after carefully satisfying the demands of the State, embraced by that act, so much of the residue of the lands north of the mouth of the Raccoon Forks as were certified under the supposed grant of August 8, 1846, and which the State of Iowa had sold to *bona-fide* purchasers prior to 2d March, 1861, will be also certified to the State of Iowa."

Now, in regard to this latter part of Secretary Smith's ruling, it is proper to invite attention to the fact that the sales thus alluded to by him, and referred to in the joint resolution of 2d March, 1861, as made by the State of Iowa to certain purchasers under the transcripts certified under said erroneous construction of the act of 8th August,

1846, for land above the Raccoon Forks, are reported as embracing all the lands thus "improperly" certified for the Des Moines improvement above the said Raccoon Forks.

In this connection it will be observed that in the act of 12th July, 1862, (Statutes, page 543,) extending the Des Moines improvement to the northern boundary of Iowa, and providing for indemnity to that improvement interest where the land had been sold by the United States, there is an exception made to those released to the vendees of Iowa by said joint resolution, coupled with an express stipulation to this effect: "that if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant, (by act of 12th July, 1862,) the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to and be held as a trust-fund for the benefit of the person or persons respectively, whose titles shall have failed as aforesaid." Now, in submitting these railroad-lists for your consideration, in view of the application for your approval thereof, the question arises whether, under the said ruling of your predecessor, these lists shall be approved to the State of Iowa as railroad-lands, without reference to said sales, for which the said act 12th July, 1862, provides an indemnity fund where they prove invalid, or shall terms of saving and exception, in respect to said sales, be inserted in said transcripts.

Should it be determined by you that such terms are not required, in view of the indemnity stipulation above mentioned, the lists, as they now stand, are before you for approval; but if otherwise, it is respectfully suggested that you direct the insertion of such terms, before approval, as the nature of the case, in your judgment, may require.

Third. There is another important matter to be considered in the premises, and that is, the force and effect of the said act of 12th July, 1862, in so far as the legal requirement is concerned, commanding the Department to grant indemnity to that improvement for lands sold or disposed of by the United States prior to the passage of said act, the Iowa sales excluded. The mode of dealing with this matter is presented in the report from this office dated October 27, 1862, as approved by Secretary Smith, November 3, 1862, and the principles laid down in that report and ruling will consequently govern this office in the adjustment of the extension interest by said act of 12th July, 1862, unless otherwise directed by you.

With great respect, your obedient servant,

J. M. EDMUNDS,
Commissioner.

HON. J. P. USHER,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1863.

SIR: Your report of 23d February last, in regard to the proper measures for carrying into effect the act of Congress approved July 12, 1862, by which the grant for the improvement of the Des Moines River was extended, has been carefully considered in connection with your report of 27th of October last upon the same subject.

The Secretary instructs me to state that, after mature deliberation and examination of the additional exhibits filed since your report was received, he concurs in the views you have expressed. He has accordingly approved the lists of lands inuring to the State of Iowa under the act of Congress of 15th May, 1856, which accompanied your report, and the same are now returned to your office that the usual transcripts may be furnished to the governor.

The argument of Mr. Mason, and the communication of Mr. Steiger and its inclosures, which have been received here while this matter has been pending, are also herewith transmitted.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO,
Assistant Secretary.

THE COMMISSIONER OF THE GENERAL LAND-OFFICE.

Following this construction the lands were listed, certified, and approved to the State as inuring under the railroad-grant of May 15, 1856, saving the rights of settlers thereon.

On the 2d day of March, 1861, Congress passed the following joint resolution relating to these lands:

(12 Stat. at Large, 251.)

JOINT RESOLUTION to quit title to lands in the State of Iowa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the title which the United States still retain in the tracts of

land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona-fide purchasers* under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

Approved March 2, 1861.

On April 10, 1862, Hon. Caleb B. Smith, Secretary of the Interior, addressed the following letter to the Commissioner of the General Land-Office, being the letter referred to in the above letter of the Commissioner :

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1862.

SIR: In answer to your communication of the 18th of March last, making certain inquiries respecting the proper disposition of lands in Iowa, granted to the State by act of Congress of 15th of May, 1856, and by joint resolution approved March 2, 1861, I am of opinion that they are to be disposed of as said act and resolution direct, without any regard to the act of August 8, 1846, referred to in your letter.

It appears that the action of this Department in construing the last-named act has been in no respect uniform; not sufficiently so to form a precedent for its present direction; and if it had, there are now other considerations which will control its action. The Supreme Court has decided, in the case of the Dubuque and Pacific Railroad Company *vs.* Litchfield, (23 Howard, p. 66,) that the act of 8th of August, 1846, did not cede any lands to the State above the Raccoon Fork, and the before-mentioned joint resolution declares that the lands above the Raccoon Fork were improperly certified as a portion of the grant of 8th of August, 1846.

It follows, then, that such of those lands as are embraced in the act making the railroad-grant, approved May 15, 1856, are to be disposed of according to the terms of that act, and that without any regard to the fact of their having been certified under the act of August 8, 1846.

After completely satisfying the demands of the State, embraced by that act, so much of the residue of the lands north of the mouth of the Raccoon Fork, as was certified under the supposed grant of August 8, 1846, and which the State of Iowa had sold to *bona-fide purchasers* prior to the 2d of March, 1861, will be also certified to the State of Iowa.

The act of 15th of May, 1856, granted lands to the State for railroad purposes, except such lands as the rights of pre-emption have attached thereto. This last remark is made because it affects the case of Crilly, and, may be, others claiming pre-emption on said lands.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary.

THE COMMISSIONER GENERAL LAND-OFFICE.

On the same day the Secretary, in the case of George Crilly, held that the lands were subject to pre-emption, and the following is a copy of his letter relating thereto :

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1862.

SIR: George Crilly claims to be entitled to a pre-emption in the southeast quarter section 29, township 89, range 28, in Iowa, which right has been rejected by the Commissioner of the General Land-Office because the land is supposed not to have been the subject of pre-emption under the laws of Congress.

The reason assigned is that the same had been certified to the State of Iowa by this Department as a portion of the lands granted to that State for the river Des Moines improvement, per act August 8, 1846.

It is to be observed that although the lands were certified, yet that the action of this Department has by no means been uniform as to the construction of the law under which they were so certified, sometimes it being held that the grant covered these lands, and on other occasions it has been strenuously resisted. The Supreme Court of the United States, in the case of the Dubuque and Pacific Railroad Company *vs.* Litchfield, (23 Howard, p. 66,) upon the direct question, have decided that the grant did not include these lands. And moreover, Congress, by the joint resolution of March 2, 1861, has declared that the lands were improperly certified. It appears, then, that the certifying of these lands was an illegal act, and, so far as it affected the right of Crilly, was void.

The railroad-grant, by its terms, does not embrace any tracts to which the right of pre-emption has attached; and as it appears to be conceded that Crilly made his set-

tlement in July, 1855, and offered to file his declaratory statement in the proper office within the time prescribed by law, his right is antecedent to that of the State under the railroad-grant.

If the facts supporting a pre-emption claim are established to the satisfaction of the local officers, Mr. Crilly should now be permitted to complete his entry of the quarter-section claimed, as all the impediments to the consummation of his right have been removed.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND-OFFICE.

On the 15th day of April, 1862, Hon. J. M. Edmunds, Commissioner of the General Land Office, addressed the following letter to Hon. J. W. Grimes, Senator from Iowa:

GENERAL LAND-OFFICE,
April 15, 1862.

SIR: I have the honor to inclose herewith a copy of the decision of the Secretary of the Interior of the 10th instant, in the case submitted to the Department in our letter of the 18th ultimo, a copy of which was furnished you in a letter of the same date.

Pursuant to said decision, it is proposed to make out the lists of lands inuring to the State for railroad purposes, under the act of 15th of May, 1856, in so far as the 6 and 15 miles limits of certain routes under that grant traverse the region which had been claimed by the State of Iowa, under the act of 8th of August, 1846, for the Des Moines River improvement, *above the Racoon Fork*, irrespective of the certified lists to the latter, which are held to be invalid under the decision of the Supreme Court of the United States, at its December term, 1859.

With great respect, your obedient servant,

J. M. EDMUNDS,
Commissioner.

Hon. J. W. GRIMES,
United States Senate.

The intent of this legislation, (joint resolution of March 2, 1861,) was evidently to quiet the title to such lands lying above Racoon Fork as had been sold by the State to resident purchasers, settlers. As evidence of that intent we quote from the Congressional Globe the discussion on its passage in the House:

[February 2, 1861.—Cong. Globe, part 1st, 2d session 36th Congress, page 710.]

TITLE TO CERTAIN LANDS IN IOWA.

Mr. TRIMBLE. By the instruction of the Committee on Public Lands, I desire to report a joint resolution to quiet title to certain lands in the State of Iowa, and to ask that the same be considered now, and put upon its passage.

The bill, which was read, provides that all the title which the United States still retains in the tracts of lands along the Des Moines River, above the mouth of the Racoon Fork thereof, in the State of Iowa, which have heretofore been certified to that State improperly by the Secretary of the Interior, as part of the grant approved under the act of August 8, 1846, be relinquished to the State of Iowa.

Mr. TRIMBLE. If there is any objection made to it, such objection may be removed by an explanation which will not occupy more than two minutes.

Mr. THOMAS. I would like to have the bill explained.

Mr. TRIMBLE. In 1846 the Congress of the United States made a grant of land to the State of Iowa to aid in the improvement of the navigation of the Des Moines River. The Secretary of the Interior certified to that State some four hundred thousand acres of land above the mouth of the Racoon Fork of that river. It has been decided by the Supreme Court of the United States that those lands were improperly certified. A subsequent grant made by Congress to the State of Iowa, for railroad purposes, covers the whole of these four hundred thousand acres, with the exception of about one thousand acres. These lands, therefore, do not revert to the Government of the United States in consequence of that decision, but are still to be retained by the State for railroad purposes. These lands have been sold to actual settlers, who have paid their money for them. They are now occupied, and there are three or four towns built upon them. There are, to my actual knowledge, lands among them worth from fifty to sixty dollars per acre. The settlers want their titles confirmed. The State sold and patented the lands to the present occupants; and all this resolution asks is, that their titles may be confirmed. This resolution is drawn up, and its adoption recommended, by the Secretary of the Interior.

Mr. PHILIPS. If I am not mistaken, this question was before the late Secretary of the Interior for his decision; and there has recently been some action upon it by that Department. Is not that so?

Mr. TRIMBLE. It is. I have had the matter in my hands since the last session of Congress, and during the present session. The result of the deliberations of the Interior Department is the recommendation of the adoption of this resolution, which, as I said before, was drawn up by the Secretary of the Interior.

Mr. PHELPS. Then it met with the approval of the Commissioner of the General Land Office, and of the late Secretary of the Interior, Mr. Thompson.

Mr. TRIMBLE. Accompanying the resolution is a communication from the Secretary of the Interior, giving his reasons for recommending its passage.

No objection being made, the resolution was received, read a first and second time, and ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time and passed.

Mr. TRIMBLE moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

From Senate proceedings we quote the following:

[Extract of debate in U. S. Senate, February 23, 1861.—Cong. Globe, part II, 2d session 36th Congress, page 1130.]

Mr. HARLAN. I now renew my motion to take up House joint resolution No. 70.

Mr. LANE. What is the joint resolution?

Mr. HARLAN. A joint resolution to quit title to lands in the State of Iowa.

Mr. GREEN. I hope that will not be taken up now. It involves a great deal more than would be supposed from its face. It involves some five or six hundred thousand acres of land.

Mr. HARLAN. It will appear from the reading of the report of the House committee that the Senator from Missouri is entirely mistaken. It involves the title to but a very small quantity of land that would not be conveyed to Iowa under other grants. My colleague and myself do not propose to debate the question; but we desire to have a vote.

The motion was agreed to; and the joint resolution (H. R. No. 70) to quit title to lands in the State of Iowa was considered as in Committee of the Whole. It proposes to relinquish to the State of Iowa all title which the United States still retains in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, which have been heretofore certified to the State improperly by the Department of the Interior as part of the grant by act of Congress approved August 8, 1846.

Mr. GREEN. I regard it as my duty to make a little explanation of this joint resolution. The title of it reads, "A joint resolution to quit title." Such a title to a bill, or joint resolution, I have never seen before. "Quit title!" It means to surrender all the title the Government of the United States has. Now, I will give the Senate a little history of this Des Moines grant.

In 1846, the first grant was made to make a slack-water navigation on the Des Moines River, from its mouth to Raccoon Fork. About sixty miles that river makes a common boundary with the State of Missouri; and if the slack-water navigation had been made according to the terms of the grant, Missouri, having a town at the mouth, and being contiguous for about sixty miles, would have participated largely in its benefits. But instead of that, they went to work, and every superintendent who has touched it has become immensely rich; the lands granted have been wasted away, and the navigation of the Des Moines is absolutely injured. Instead of coming down to the mouth, when they got down to Saint Francisville they undertook to cut a canal, and diverge from the Des Moines River around to the town of Keokuk. That was in violation of the true intent and purpose of the grant. Next, the question came up, how much land passed under that grant? Mr. Stuart, according to my recollection—or perhaps it was Mr. Ewing; I am not certain which—decided that it went up to the northern line of the State; and a small portion of land was certified to it lying north of the Raccoon Fork. The language of the grant is so express that I do not see how any one could misunderstand it. That grant extended only to the terminus of the improvement. The terminus of the improvement was the Raccoon Fork. Iowa was again dissatisfied, and claimed it up to the source of the river, up into the State of Minnesota. The Des Moines River rises in Minnesota, and Iowa claimed the land all the way up to the head spring of the river. Mr. Thompson, Secretary of the Interior, said he was willing to abide by the act of his predecessor, if Iowa would be content with it. Iowa said she was not content, and insisted on going to the head springs of the river, away up into the State of Minnesota, where no navigation could possibly be had of the river. An agreed case was made. The Secretary of the Interior said, "If you

will take the question before the Supreme Court of the United States, I will make my decision conform to the decision of the Supreme Court." They brought up the case; and Judge Mason argued it. It was decided by the Supreme Court that the grant did not go one inch above the Raccoon Fork, which is about the middle of the State of Iowa. There it ends.

Now, the object is to get the lands lying above the Raccoon Fork. If it goes up to the State line, it will be about four hundred and fifty thousand acres. If it goes up to the source of the river, it will be about six hundred thousand acres. That is the case we are acting on. It is true, I would rather let Iowa have the land than throw it away in useless homesteads; but the true policy of the Government is to administer the lands in that manner which will best promote the public interest; and I think that this is not a fair mode of disposing of the public lands. I am willing that Iowa should have, and she now has, the alternate sections on each side of the river, six miles in width, up to the Raccoon Fork.

There is another difficulty. North of the Raccoon Fork land-grants have been made to railroad companies, running east and west from the Mississippi River, across to the Missouri. Under the decision of the Supreme Court, the original grant did not include anything north of the Raccoon Fork. These railroads do cross north of the Raccoon Fork; and grants have been made in good faith, permanent and binding, to those railroad companies. They can hold them, therefore, in spite of the United States; and I do not want to be engaged in the folly of undertaking to say I will quit title where there is no title. Wherever these lands fall within the limits of railroad grants, we have no title; and wherever they are outside of these railroad grants, Iowa has no right to them. That is an end of the case.

Mr. HARLAN. As an answer to the speech of the Senator from Missouri I ask that the report of the House committee may be read.

The Secretary read as follows:

"The Committee on Public Lands, to whom was referred the bill 'for the relief of the State of Iowa and for other purposes,' beg leave to report:

"That by the act of Congress of August 8, 1846, the alternate sections, in a strip ten miles in width, lying along the Des Moines River, were granted to the State of Iowa, to aid in improving the navigation of the said river from its mouth to the Raccoon Fork. This grant was made on certain conditions, which were assented to, and the State undertook the execution of the trust.

"Not long afterward doubts were raised as to the extent of the grant; whether it was limited to lands lying below the mouth of the Raccoon Fork, or whether it extended to the source of the river. The case was carried before the then Secretary of the Treasury, who decided, on the 2d of March, 1849, in favor of the more extended grant, and the State proceeded to plan the work in correspondence with the means thus provided for its execution.

"After the lapse of something more than a year the same question was again raised. The Secretary of the Interior, before whom the matter was brought, held that the grant did not extend above the Raccoon Fork; but after an appeal had been carried before the President, and twice referred to two different Attorneys-General, by whom the subject was carefully considered, it was determined, on the 29th of October, 1851, that the claim of the State should be allowed and that the lands should be certified which lay above the Raccoon Fork. Within two years from that date above four hundred thousand acres of land lying above the Raccoon Fork were certified to the State by the Interior Department. This land has all been sold by the State, and the proceeds applied to the improvement of the Des Moines River in compliance with the conditions of the grant. A large proportion of these lands are now occupied by actual settlers, all holding under patents from the State, which are founded on certificates from the Secretary of the Interior.

"Within the past year the Supreme Court of the United States has decided against the construction put upon the act of August, 1846, by the Secretaries of the Treasury and Interior, and the Attorney-General, that the titles by which the lands are now held are wholly nugatory, and that, notwithstanding the certificates and sales, they would still remain the property of the United States. But on the 15th of July, 1856, Congress made another grant of land to the State of Iowa to aid in the construction of certain railroads herein specified. This grant covers all but about one thousand acres of the same land which had been certified and sold under the act of August, 1846, and is therefore beyond the reach and control of the Government of the United States. That portion not covered by the grant of July, 1856, would revert to the United States; but, in the judgment of your committee, it would be an act of gross injustice for this Government to repudiate the acts of its own highest officers, and thus deprive those persons of their possessions who have paid their money on the faith of the Government. They propose, however, nothing more than a relinquishment of the title held by the United States in the lands which have been certified by the Secretary of the Interior, under the Des

Moines River grant, and afterward sold to *bona fide* purchasers. For this purpose your committee recommend the adoption of the following joint resolution, proposed and approved by the Secretary of the Interior."

Mr. GREEN. I believe that is the report of the committee of the House of Representatives, not of the committee of the Senate.

Mr. HURLAN. It is the report of the House Committee on the Public Lands.

Mr. GREEN. The committee of the House of Representatives are a little at fault. They undertake to say that we cannot repudiate the act of our own officer. Iowa repudiated it, would not stand by it, and claimed the land up to the source of the river. Then the Secretary said, "I will re-open the case and submit it to the court."

Mr. GRIMES. The Senator from Missouri is mistaken, I think. Mr. Robert J. Walker, when he was Secretary of the Treasury, some three or four days before he left that office, the Land Department then being under his general superintendence, decided that this grant extended to the source of the river, and that was the first decision that was ever made by any of the Departments here on the subject. Upon the strength of that decision the Government of the United States has certified to the State, or, in other words, conveyed (for that is the manner which the United States adopt in conveying their lands) these lands to the State, and the State has sold to settlers and to others, I think, every foot of the lands. Now, all that this joint resolution proposes is, that the Federal Government shall confirm, or, in the language of the resolution, "relinquish" to the State those lands, and those lands only, that have heretofore been certified by its own officers as belonging to the State, and which the State, placing implicit confidence in that certificate, has conveyed to third parties for a valuable consideration.

Mr. GREEN. The Senator is a little mistaken. Mr. Robert J. Walker, who was then Secretary of the Treasury before the Interior Department was created, had charge, but he took no action, except to give an opinion; and when the Department of the Interior was created, I think it was first put under Mr. Thomas Ewing; and he decided, when the question was brought before him, against this claim. He said the grant only went to the State line.

Mr. GRIMES. Who did?

Mr. GREEN. Mr. Ewing.

Mr. GRIMES. Yes.

Mr. GREEN. And so did Mr. Stuart.

Mr. GRIMES. But Mr. Johnson, when he was Attorney-General, decided that it went to the source of the river. We had conflicting opinions. Mr. Crittenden, when he was Attorney-General, decided that it only went to the Raccoon Fork.

Mr. GREEN. Mr. Crittenden was right. He decided according to the law.

Mr. GRIMES. I think so myself. I think the grant originally never extended above the Raccoon Fork; but the grant was construed by your own authorities as extending to the source, and we acted upon it; we acted upon your decision in good faith; we received the certificates; we have conveyed the land for a valuable consideration; and now we only ask you to indemnify us for what we have done. My own individual opinion is, that the grant originally did not extend above the Raccoon Fork.

Mr. GREEN. There is no difficulty at all about this. The law is very clear. It only went to the Raccoon Fork. The Supreme Court has so decided. Attorney-General Crittenden has so decided. All these, however, were nothing but opinions, except the judgment of the court; and that was on an agreed case made between the State and the Secretary of the Interior, Mr. Jacob Thompson. He was willing to stand by what Mr. Stuart did, and to say that it might go up to the northern line of Iowa, but not into Minnesota. Now, so far as the grant to those lateral roads running through it are concerned, we cannot interfere with them.

Mr. GRIMES. They have not been certified as belonging to the State under that grant.

Mr. GREEN. Yes, sir.

Mr. GRIMES. No, sir; not a foot of them, as I understand.

Mr. GREEN. Yes, sir: some of them were certified before the railroad grant was made; so that there is a conflict between claimants, even if we make this quit-claim, as it is called. Now, I am willing to go thus far: Iowa has sold lands that she had no right to; I do not want to interfere with the private citizens; I will not interfere with public grants; but to the extent that it affects private citizens, and does not interfere with public grants, I am willing to go. I am not willing to cover all this immense tract—to grant this immense amount of land, equal to six hundred thousand acres—in addition to what they have already received up to the mouth of the Raccoon Fork.

Mr. POLK. My colleague will allow me to interrupt him. Perhaps an amendment which I propose to offer will meet his views; to insert the words:

And by the said State sold to actual settlers.

Mr. GREEN. Say, "and not interfering with any other public grant."

Mr. GRIMES. What is that amendment?

Mr. POLK. To insert:

And by the said State sold to actual settlers.

Mr. GRIMES. If the Senator will change it so that it shall apply to any purchaser, or any grantee of the State of Iowa, it will be entirely satisfactory.

Mr. POLK. The only objection to that is, that I do not like to give this congressional bounty to land-speculators.

Mr. GREEN. That is just what it is.

Mr. POLK. But to the actual settlers, I am willing to give it.

Mr. GRIMES. It would cost a great deal of trouble for us to determine who happened to be actual settlers at any particular date, or at the passage of this resolution, or whether it should apply to those who are actual settlers now, or those who were actual settlers at the time they purchased.

Mr. GREEN. All that can be guarded by saying, "any actual *bona-fide* settler, who, or whose grantor, actually settled on the land."

Mr. GRIMES. The man who, by virtue of your own action, the action of your own officer, went there and obtained the land, if he be not an actual settler, is morally and politically, and in every way just as much entitled to receive justice at the hands of the Senate as the man who is an actual settler. He is a *bona-fide* purchaser. If the Senator will insert the words, "any *bona-fide* purchaser from the State of Iowa," I shall be satisfied.

Mr. POLK. The objection to that is, that it would shut out the speculators.

Mr. GREEN. The only objection to that is this: that rich grant of land, the best body of land in the West, was fooled away to a New York company, who never performed the work, but have actually, by the construction of their dams, injured Missouri. They first applied to the State of Missouri to give them leave to build their dams to our bank, and we gave them leave. They then constructed them so that the overflow of water would wash right in and destroy private property, and thousands on thousands of dollars have been destroyed by the misconstruction of this work. Again, every dam built and every lock put down, is a greater obstruction to navigation than if it had not been done. I want another condition put in; and if we do give them this land, I want the State of Iowa to remove all these obstructions, and leave the river as it was. This New York company have a speculation on hand. They want to claim that they are *bona-fide* purchasers; but I want actual, resident, citizen purchasers.

Mr. HARLAN. It would be unjust, in my judgment, to adopt the amendment suggested by the Senator from Missouri, (Mr. Polk.) I wish to state an important fact, which, I think, is misapprehended by the other Senator from Missouri, (Mr. Green.) The State of Iowa did, as he suggests, claim about twelve hundred thousand acres of land under this original Des Moines grant, lying above the Racoon Fork of that river; but much less than one-fourth of that amount was certified to the State by the officers of the General Government. So far as this land has been certified to the State, the State has accepted the land, and attempted to apply the proceeds of the grant in the improvement of the river. A part of this land has been sold by the State directly to actual settlers. A part of the grant has been sold to the gentlemen who were applying their money in putting in locks and dams, to which reference has been made, and they in turn have sold to other parties. Some of them, perhaps, are not improving the land; but many of them are actual settlers. The purpose of the amendment he proposes is to cut out all those who may have bought those lands of the Des Moines River Improvement Company. That would be unjust to the company, and unjust to the purchasers from the company. All that we claim is that the General Government shall quit-claim to Iowa the amount of lands conveyed to Iowa by the officers of the General Government, although, as alleged, wrongfully conveyed, or without sufficient legal ground. We do not claim one acre above the Racoon Fork, which has not been certified to the State; and the whole amount, as I understand, is one-fourth less than is claimed by the State, and for which she derived a clear title under the original Des Moines grant.

Mr. POLK. The view I take of it is this: There is no claim in law or in equity against the United States for the granting of this land; but I am willing that the United States should relinquish the title where an actual settler has bought the land, and gone on it; but I am not willing to do that favor to persons who have bought as speculators. Where persons have bought for actual settlement, and have gone on the land, I am willing to vote to relinquish to them, and I am willing to vote for the bill with that amendment. I will offer the amendment, and take the sense of the Senate upon it, to insert the words, "and by the said State sold to actual settlers, and not interfering with public grants."

Mr. DOOLITTLE. I will move an amendment to the amendment, and then I think I shall sustain it "by the State or grantee of the State to any actual settler."

Mr. GREEN. That is the same thing. It is already implied.

Mr. DOOLITTLE. I think not. It says "sold by the State to actual settlers."

Mr. POLK. As I understand, that is to include any grantee of the State.

Mr. DOOLITTLE. Some person may, *bona fide*, have purchased the land from this company.

Mr. POLK. I have no objection. I will accept that amendment.

THE PRESIDING OFFICER. The amendment to the amendment is accepted; and the question will be on the amendment proposed by the Senator from Missouri, as modified.

MR. CRITTENDEN. I will suggest to gentlemen, as there is some difficulty about the provision in reference to actual settlement, to say, "all *bona-fide* purchasers deriving title under the State." It seems to me that would cover everything.

MR. GRIMES. That will be entirely satisfactory to me. It seems to me to be just to all parties. I understand it is satisfactory to the Senator from Missouri.

MR. POLK. I agree to it.

MR. JOHNSON, of Arkansas. Mr. President, I do not care what course is taken in reference to the amendment, nor do I feel any personal interest in this matter at all. The joint resolution certainly covers a very large amount of land; and I feel it my duty to make a statement to the Senate in regard to what has transpired with reference to it. This is a very large grant of land that is now proposed to be made to the State of Iowa, and it is a pure, entire, unmixed donation. It is without any consideration at all. I forget how much it is; but it is stated at six hundred thousand acres by some. It seems to me that is more than it is; but it is a very large amount at any rate. I forget now the precise amount. This matter was considered under a law of the United States granting alternate sections for the improvement of the Des Moines River by one of the Departments, and under the extraordinary pressure that was brought upon the Department by our friend, no longer a member of this body, (Senator Jones,) and such a pressure as scarcely any other Senator could bring upon any Department of the Government, they obtained a wrong decision here which ran the grant above the Raccoon Fork for hundreds of miles. They obtained that decision, and under it got certificates to the State of Iowa to that effect; but the subject has since been before the courts, and the courts have decided that the law makes no such grant at all. That decision of the court sustains a decision which was rendered, I believe, by a Senator now here from Kentucky. (MR. CRITTENDEN;) and the whole of the grant itself is purely gratuitous upon our part, if the decision of the Supreme Court is at all correct.

Now, this matter here seems to be mixed up with actual settlers, with speculators, with conflicting interests under grants that we ourselves have made of railroad land. I think it had better be left without any legislation at all from us, at least in this direction; and so the Committee on Public Lands seem always to have regarded it. It never was reported back from the Committee on Public Lands, until very recently; and I have no idea, if I had been present in the committee at that time, that it would have been done then. I do not believe it could have been carried. I never saw the day in the Committee on Public Lands when this measure could get the sanction of that committee. I regard the whole thing as wrong, as an attempt to make us responsible for wrong acts that were brought about by the personal influence of the Representatives of the State, for which it is now sought to make the Government of the United States responsible; and out of which it is attempted to create a title such as compels us to render to them the legal title.

Without any intention, Mr. President, to interfere with this matter any further, with no disposition to make any factions opposition to the joint resolution—for I do not care one cent which way it goes—but simply in the discharge of my duty as chairman of the committee, I state to you my conviction, for myself, and I believe the majority of the committee, that this thing is all wrong, and no part of the resolution ought to be passed at all.

THE PRESIDING OFFICER. The Secretary will read the amendment as now modified by the Senator from Missouri.

The Secretary read it, to insert in line nine, after the word "six" the words "and which is now held by *bona-fide* purchasers under the State of Iowa; so that the resolution will read:

"That all title which the United States still retain, in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been heretofore certified to said State improperly, by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona-fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended; and the amendment was concurred in, and ordered to be engrossed, and the resolution to be read a third time.

MR. HUNTER. I desire to have the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 7; as follows:

YEAS—Messrs. Anthony, Bigler, Bingham, Bright, Chandler, Clark, Collamer, Crittenden, Dixon, Douglas, Durkee, Fessenden, Fitch, Foot, Foster, Grimes, Johnson of Tennessee, Lane, Latham, Morrill, Nicholson, Polk, Powell, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—30.

NAYS—Messrs. Bragg, Doolittle, Green, Hunter, Johnson of Arkansas, King, and Sebastian—7.

So the joint resolution was passed.

Mr. LANE subsequently said: I rise to a privileged question. I move to reconsider the vote upon the passage of the House joint resolution quit-claiming to Iowa the Des Moines grant. I want to say to Senators who feel an interest in the joint resolution, that I do it in all kindness. I have heard some suggestions in relation to the report and the facts, that perhaps I had not very carefully examined. I examined the papers to some extent, and made up my mind that the joint resolution was right; but on hearing some suggestions, I have concluded to make this motion, that I may have an opportunity—and I shall not lose much time in doing it—to look over all the papers and facts connected with the subject.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The Chair will state to the Senator from Oregon, that the resolution to which he refers is not in the possession of the Senate. It has been sent to the House of Representatives.

Mr. LANE. Then I believe it is competent to move that the House of Representatives be requested to return the joint resolution.

The PRESIDING OFFICER. The usual motion is, to direct the Secretary to request the return of the joint resolution.

Mr. LANE. I make that motion.

The PRESIDING OFFICER. It is moved that the Secretary of the Senate be directed to request the House of Representatives to return the joint resolution indicated by the Senator from Oregon.

The motion was agreed to.

When the governor of Iowa was called upon to certify a list of lands above Raccoon Fork erroneously certified and sold by the State to *bona-fide* purchasers, he submitted a list of such lands only as the State had sold to individuals during the time it had conducted the improvement, and did not certify the lands it had released to the Des Moines Navigation and Railroad Company by the deeds above set out. That company, however, did forward to the Commissioner of the General Land-Office a list of lands it had sold to actual settlers, which appears to have received no action in the Department.

Congress must have also thus interpreted the joint resolution, because in response to the joint resolution of the general assembly of Iowa, April 7, 1862, above quoted, it is enacted:

That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections, (designated by odd numbers,) lying within five miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the general assembly of the State of Iowa, approved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: *Provided*, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to and be held as a trust-fund for the benefit of the person or persons respectively whose titles shall have failed as aforesaid.

Approved July 12, 1862. (United States Statutes at Large, 1862, p. —.)

Yet it was still believed that the lands under consideration inured to Iowa under the railroad grant, and that the United States had sold or otherwise disposed of these lands in contemplation of the above act. In pursuance of chapter 79, acts of the eleventh general assembly of Iowa, 1856, an adjustment or settlement of matters arising out of these several grants was had by the United States and the State of Iowa, and a

full report made by Mr. Harvey, agent of the State, to the census board of Iowa, is herewith submitted :

WASHINGTON CITY, D. C., May 23, 1866.

To the honorable Census Board of the State of Iowa, Des Moines :

Pursuant to the requirements of chapter 79 of the acts of the eleventh general assembly, I have the honor to report :

That I have consummated an adjustment with the United States of the excess of lands received by the State under the grant of September 4, 1841. Also, the lands confirmed to the State by the joint resolution of March 2, 1861, and the lands falling to the State under the act of Congress of July 12, 1862; and transmit herewith for your approval a copy of the agreement containing the terms of said adjustment.

It will be observed that the State in this settlement is credited with the whole amount of land in old sections, and lying within five miles of the Des Moines River from the Raccoon Fork to the northern boundary of the State, determined (by the Department) to be 558,004.06 acres.

The State is then charged with the several quantities of land following, to wit :

	Acres.
1st. Indemnity-land selected under special certificate dated April 25, 1863..	297,603.74
2d. Remaining lands in place yet to be certified	167,109.02
3d. Lands in place confirmed by the joint resolution of March 2, 1861	44,838.64
4th. Lands selected and heretofore certified on the East Fork of the Des Moines River, and more than five miles from the Western or main branch.	11,661.80
5th. The excess selected and approved to the State as a part of the 500,000-acre grant under the act of September 4, 1841	35,473.54
Making in all	556,686.74
And leaving due the State to balance the whole amount of the grant	1,317.32

For this a special certificate will be issued.

The 11,661.80 acres on the East Branch of the Des Moines River heretofore approved to the State as a part of the Des Moines River grant, and disposed of by the State as such, are held by the Department, under the decision of the Attorney-General, to be a proper and legitimate offset to so much of this grant. Hence they are charged to the State in this settlement.

The 35,473.54 acres charged as excess under the 500,000-acre grant (act 1841) include the 25,600.03 acres over and above the 500,000 acres which are embraced in the book of diagrams approved and certified to the State on the 12th of September, 1854, and which have hitherto been considered the excess; and, also, the 12,813.51 acres which were once approved as a part of the 500,000-acre grant and afterward rejected and approved and certified as a part of the Des Moines River grant. These lands have been known as the "river school-lands."

Notwithstanding that they have been disposed of by the State as a part of the Des Moines River lands, said chapter 79 requires that they shall be included and certified as a part of the grant of 1841.

Deeming it my duty to carry out the provisions of the law, regardless of my personal opinion as to their correctness or propriety, I have thus included these lands, thereby increasing said excess to 35,475.54 acres, and allowed them to be deducted from the amount of the Des Moines River grant due the State, as the Department had determined.

The proper and necessary lists, according to the terms of this adjustment, will be made and approved by the Secretary and delivered to me or sent to the State.

In the preparation of these lists all lands which appear at the General Land-Office as having been selected as swamp, under act of September 28, 1850, and all tracts to which pre-emption rights had attached prior to July 12, 1862, will be excluded. If, however, any of the tracts thus listed and certified shall be found to have been duly selected under said act of September 28, 1850, and shall be shown by legal investigation to be swamp or overflowed, or to belong to the State by said act, the Government will approve and certify other lands of like quantity in lieu thereof.

This adjustment, which I think is fair and just, and should be satisfactory to the State, will, when approved by you, be a final settlement between the State of Iowa and the United States of all claims under the Des Moines River grant, as well as of the act of 1841, except as far as valid and legal subsisting adverse rights may be found to exist to any of the tracts thus approved to the State.

The excess of the 500,000-acre grant (35,475.54 acres) thus deducted is, by an agreement between the State and the Des Moines Valley Railroad Company, (the beneficiary of the grant,) to be credited to said company at the rate of one dollar and twenty-five cents per acre, in the satisfaction of claims against the State on account of the improvement of the Des Moines River. Said company should therefore be credited on the claims they are under obligations to satisfy, with the sum of \$44,341.67.

My authority extends only to settlement with the General Government; I have no power to carry out this agreement between the State and the company. It is but just, however, for me to say that this settlement has been made with the United States with the full understanding that this arrangement should be carried out.

The company, through its agents, has, for a long time, been laboring to this end. The opinion and decision of the Secretary of the Interior, (a copy of which, accompanying Mr. Kilbourn's report made last winter, is herewith transmitted for your examination in connection with this adjustment) is the result of their efforts.

The labor of these agents, (Messrs. Kilbourn and Mason,) heretofore in the premises, has greatly relieved me and enabled me to close up the settlement thus early. It is due the company that this credit be given as soon as possible.

I hope, therefore, that this entire agreement will meet with your approbation, and that you will, as I think you have a right, and may safely do, fully consummate and carry it out, by giving said company the benefit of said credit against said claims without delay.

Very respectfully submitted.

J. A. HARVEY, *Commissioner.*

Adjustment of the Iowa Des Moines River grant, under the act of July 12, 1862, and joint resolution of March 2, 1861.

DEBIT.		Acres.
The State of Iowa with the quantity of indemnity-land selected under special certificate dated April 25, 1863	297,603.74	
The lands in place to be certified	167,109.02	
The lands in place confirmed by joint resolution of March 2, 1861	44,833.64	
The quantity selected on the East Fork of Des Moines River and certified to the State under the original law of August 8, 1846	11,661.80	
The excess selected and approved to the State under the 500,000 grant of 1841	35,473.54	
	556,686.74	
Remaining indemnity due to the State	1,317.32	
	558,004.06	
CREDIT.		Acres.
The State of Iowa with the whole area of the grant above the Raccoon Fork	558,004.06	
	558,004.06	

J. M. EDMUNDS,
Commissioner General Land-Office.

GENERAL LAND-OFFICE, May 21, 1866.

WASHINGTON CITY, May 21, 1866.

Pursuant to the authority conferred by the act of the State of Iowa, approved March 30, 1866, "for the adjustment of certain land-claims with the General Government," I, Josiah A. Harvey, register of the State land-office, and as commissioner on behalf of the State, do hereby assent to the adjustment as herein stated, the said adjustment to be held as binding and conclusive on the said State as provided in said act.

JOSIAH A. HARVEY,
Register of the State Land-Office,
and Commissioner on behalf of the State of Iowa.

STATE OF IOWA, ss:

The within adjustment as stated is hereby approved by us for the State of Iowa.

[SEAL.]

W. M. STONE, *Governor,*
JAS. WRIGHT, *Secretary of State,*
JOHN A. ELLIOTT, *Auditor,*
W. H. HOLMES, *Treasurer,*
Census Board.

JUNE 20, 1866.

DEPARTMENT OF THE INTERIOR, May 22, 1866.

The adjustment as herein stated is hereby approved.

JAS. HARLAN, *Secretary.*

DEPARTMENT OF THE INTERIOR,
General Land-Office, December 29, 1868.

I, Joseph S. Wilson, Commissioner of the General Land-Office, do hereby certify that the annexed copies are a true and literal exemplification of the originals on file in this office.

In testimony whereof, I have herenunto subscribed my name and caused the seal of this office to be affixed at the city of Washington on the day and year above written.

[SEAL.]

JOS. S. WILSON,
Commissioner of the General Land-Office.

At the December term, 1866, in the case of Walcott against the Des Moines Navigation and Railroad Company, the Supreme Court of the United States held that the defendant held the title to the lands in suit therein. This tract was of the same character as to title as the whole of those above Raccoon Fork, in odd-numbered sections, within five miles of the Des Moines River, now under consideration. The court bases the title upon the grant of August, 1846, and the subsequent legislation of Congress, above shown.

This opinion was announced by Mr. Justice Nelson May 13, 1867, and we submit a copy of the opinion in the case reported in 5th Wallace, p. —.

SUPREME COURT OF THE UNITED STATES—No. 204.

DECEMBER TERM, 1866.

Samuel G. Walcott, plaintiff in error, *vs.* The Des Moines Navigation and Railroad Company. In error to the circuit court of the United States for the southern district of New York.

Mr. Justice Nelson delivered the opinion of the court.

This is a writ of error to the circuit court of the United States for the southern district of New York.

This is an action by the plaintiff, Walcott, against the defendants for breach of covenant.

The defendants conveyed by deed-poll to the plaintiff, on 1st August, 1859, the east half of section 17, township 8th, range 27, situate in Webster County, State of Iowa, containing three hundred and twenty acres, for the consideration of \$3,040, and warranted the title. It is charged in the declaration that the title has failed, which is denied on the part of the defendants. This presents the main issue in the case.

On the 8th of August, 1846, Congress passed an act by which they granted to the Territory of Iowa, for the purpose of aid in the improvement of the navigation of the Des Moines River, from its mouth to the Raccoon Fork, in said Territory, an equal moiety, in alternate sections, of the public lands, in a strip of five miles in width on each side of said river, to be selected within said Territory by an agent of the governor, subject to the approval of the Secretary of the Treasury of the United States.

The second section provided that the lands so granted should not be sold or conveyed by the Territory, nor by any State to be formed out of it, except as the improvements progressed—that is, sales might be made so as to produce the sum of thirty thousand dollars, and then cease, until the governor or State, as the case might be, should certify the fact to the President of the United States that one-half of this sum had been expended on said improvements, when sales again might be made of the remaining lands sufficient to replace this amount, and the sales were thus to progress as the proceeds were expended, and the expenditures so certified to the President. Agents were appointed by the governor, who selected the section designated by odd numbers, throughout the whole extent of the grant, which, as claimed, extended from the mouth of the river to the northern boundary of the State.

The lot in question is one of the sections thus selected and approved by the Secretary of the Treasury, and duly certified by the governor of the State to the President, according to the second section of the act, and was sold and conveyed, among other parcels of land, by the State to the defendants. The section of land of which the lot in question is a part was situated above the Raccoon Fork.

Some year and a half after the passage of this act a question arose before the Commissioner of the Land-Office whether the grant of the odd sections within the five miles extended above this fork. He determined that it did, and that it extended throughout the whole line of the river within the limits of Iowa. It appears, however, that he afterward changed his opinion, and on the 19th June, 1848, a proclamation was issued by the President, countersigned by him, ordering a sale of some of these odd

sections, among other lands, lying above the fork, and which was to take place in the following October. On the attention of the Secretary of the Treasury being called to the subject, he, after an examination of the act, determined that upon a true construction of it the grant extended above the Raccoon Fork, and directed, that the odd sections should be reserved from the sale, which was done accordingly, and the State of Iowa duly notified. This was on the 16th June, 1849. On the 6th April, 1850, the Secretary of the Interior, whose department had in the mean time been established, and to which the supervision and control of the General Land-Office had been assigned, reversed the previous decision of the Secretary of the Treasury, and determined that the grant did not extend beyond the Raccoon Fork. But he directed that the lands should be reserved from sale which were embraced within the State's selections. The question was then brought before the President, and was referred by him to the Attorney-General, who differed with the Secretary of the Interior, and concurred with the Secretary of the Treasury. But before the promulgation of this decision the President (Taylor) died, and a new cabinet coming in—and among others a new Attorney General—he overruled the decision of his predecessor, and affirmed that of the Secretary of the Interior. The cause was then brought before the new President and cabinet, and the result is stated by the then Secretary of the Interior, under date of October 29, 1851, which was “that in view of the great conflict of opinion among the executive officers of the Government, and also in view of the opinion of several eminent jurists which have been presented to me in favor of the construction contended for by the State, I am willing to recognize the claim of the State, and to approve of the selections, without prejudice to the rights, if any there be, of other parties.” Under this arrangement the Secretary of the Interior approved of the odd sections above the fork as certified, according to the act of Congress, till in December, 1853, the number of acres amounted to over 271,572. On the 21st March, 1856, the Commissioner of the Land-Office again decided that the grant was limited to the Raccoon Fork, and the question was again referred to the Attorney-General, who advised the Secretary of the Interior to acquiesce in the views of his predecessor, (a change having taken place as to the incumbent,) and to continue the approval of the lands as certified to him under the law, which was done accordingly. In the mean time the improvement of the Des Moines River had been carried on by the State and by the Des Moines Navigation and Railroad Company, who, on the 9th June, 1854, had entered into an engagement with the State to finish the improvements, as contemplated by the act of Congress, and to expend for that purpose some \$1,300,000.

The question as to the true construction of this grant of 8th August, 1846, and in respect to which such great diversity of opinion existed among the executive officers of the Government, came before this court, and was decided at the December term, 1859-'60. The court held that it was limited to the Raccoon Fork, and did not extend above it. (23 How., 66, Dubuque and Pacific Railroad Company *vs.* Litchfield.)

Whereupon on the 2d March, 1861, Congress passed a joint resolution providing that “all the title which the United States still retain in the tracts of land along the Des Moines River, and above the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State.” And on the 12th July, 1862, Congress enacted “that the grant of lands to the then Territory of Iowa for the improvement of the Des Moines River by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within five miles of said river, between the Raccoon Fork and the northern boundary of said State. Such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the general assembly of the State of Iowa, approved March 22, 1858.

If the case stopped here it would be very clear that the plaintiff could not recover; for, although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet, having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to their conveyance to the plaintiff. This is in accordance with the laws of the State of Iowa.

But another act of Congress is relied on by the plaintiff, passed May 15, 1856, as showing that the United States had already parted with the lands, of which the lot in question is a part, previous to this act of 12th July, 1862. It becomes necessary, therefore, to examine this act. It grants to the State of Iowa, for the purpose of aiding in the construction of certain railroads specified, every alternate section of land, (designated by odd numbers,) for six sections in width on each side of said roads, with the following proviso: “That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any objects of internal improvements, or for any purpose whatsoever, be, and

the same is hereby, reserved from the operation of this act, except so far as it may be found necessary to locate the routes of the said railroads through such reserved land, in which case the right of way shall be granted, subject to the approval of the President." This grant to the State for the benefit of the railroads, it is admitted, covers the tract within which the lot in question is situate, unless excluded by the proviso. The question turns upon the construction of this proviso, and in reading it in connection with the act of 1846, granting lands to the State of Iowa for the improvement of the Des Moines River, and in connection with the serious and prolonged conflict of opinion that arose among the executive officers of the Government, extending over a period of some eight years, and which related to the title above the Raccoon Fork, in respect to which this act of 1856 was dealing in the grant for the benefit of the railroads, we think it difficult to resist the conclusion that Congress, in the passage of the proviso, had specially in their minds this previous grant, and conflict of opinion concerning it, and intended to reserve the lands for future disposition, if the title under the first grant should turn out to be defective. The decision of this court had not then taken place, though the litigation was probably pending in the court below, in the district of Iowa. The words of the proviso point almost directly to this grant, and to the dispute arising out of it among the public authorities—"All lands heretofore reserved," &c., "by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any objects of internal improvements," &c. These improvements of the Des Moines River were then in progress. Now, if it had turned out that the true construction of the act carried the grant above the Raccoon Fork, then the lands would have been reserved by act of Congress, and no further legislation necessary. But, not satisfied with this, as if to provide for any results in respect to the title to them, if reserved in any other manner by competent authority, for the object of internal improvements, then the enacting clause should not operate to carry them under the new grant.

It has been argued that these lands had not been reserved by competent authority, and hence that the reservation was nugatory. As we have seen, they were reserved from sale for the special purpose of aiding in the improvement of the Des Moines River—first, by the Secretary of the Treasury, when the land department was under his supervision and control, and again by the Secretary of the Interior, after the establishment of this Department, to which the duties were assigned, and afterward continued by this Department, under instructions from the President and cabinet. Besides, if this power was not competent, which we think it was ever since the establishment of the land department, and which has been exercised down to the present time, the grant of 8th August, 1846, carried along with it, by necessary implication, not only the power, but the duty, of the Land-Office to reserve from sale the lands embraced in the grant. Otherwise its object might be utterly defeated. Hence, immediately upon a grant being made by Congress for any of these public purposes to a State, notice is given by the Commissioner of the Land-Office to the registers and receivers to stop all sales, either public or by private entry. Such notice was given the same day the grant was made, in 1856, for the benefit of these railroads. That there was a dispute existing as to the extent of this grant of 1846 in no way affects the question. The serious conflict of opinion among the public authorities on the subject made it the duty of the land-officers to withhold the sales and reserve them to the United States till it was ultimately disposed of.

It should be stated, also, in connection with this proviso, that the improvements of this river were in progress at the time of the passage of the act of 1856, and had been for years, but was suspended soon after, on account of the refusal of the land department to certify any more sections under the act of 1846; and, as appears from the certificate of the governor of Iowa, the sum of \$332,34.04 had already been expended by these defendants under their contract.

Judgment of the court below affirmed.

Immediately following this decision the Secretary of the Interior ruled that the lands under consideration were a part of the public domain and subject to the pre-emption and homestead laws. In the case of Herbert Battin, a settler upon a tract of this land under date of May 9, 1868, he reviewed the legislation, departmental, and decisions of the court touching the same, and on the same date addressed a letter to the Commissioner of the General Land-Office, which we copy as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 9, 1868.

SIR: I have received your report of the 9th October last, and the accompanying papers, in the case of Herbert Battin, from the Des Moines office, Iowa, claiming the right of pre-emption to the southwest quarter 3, township 83, range 27, by reason of a settlement made thereon October 2, 1857.

It appears from your report that on the 6th December, 1866, you awarded the land to Battin, but as it had been previously certified to the State of Iowa, under the railroad grant of May 15, 1856, you required a relinquishment on the part of the State before issuing patent. That on the 23d July, 1867, you re-examined the case and decided to cancel the entry of Battin, upon the ground that his settlement commenced after the right of the railroad company had attached.

From this decision Battin appeals. The required relinquishment under the railroad grant was received at your office after you had made the second decision.

This tract of land is a part of an odd numbered section, situated above the Raccoon Fork, within five miles of the Des Moines River, and claimed as a part of the grant to Iowa to aid in the improvement of said river. It is also within the six-mile limit of the railroad grant and was approved and certified to the State under both grants.

In view of these grants, the general decisions of the Department and of the Supreme Court in reference to their extent and validity, it becomes necessary to review the whole matter in order to a correct determination of the case under consideration.

1st. The act of Congress approved August 8, 1846, (9 Stat., 777,) granted to the Territory of Iowa, "for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork (so called) in said Territory, one equal moiety, in alternate sections, of the public lands remaining unsold and not otherwise disposed of, encumbered, or appropriated, in a strip five miles in width on each side of said river;" to be selected within said Territory by an agent or agents, &c.

The proper State authorities, February 15, 1851, formally notified your office that they selected the odd sections above the Raccoon Fork to the source of the Des Moines River; and on the 10th March, 1852, certain lands, among which was the tract in question, were approved to the State by Secretary Stuart, in view of the decision of Secretary Walker that the grant extended above said Fork. Prior to this last date, several conflicting decisions had been made as to the limits of this grant, some extending it only to the mouth of the Raccoon Fork, others to the northern boundary of the State.

At the December term, 1859, the Supreme Court of the United States, in the case of the Dubuque and Pacific Railroad Company vs. Litchfield, (23 Howard, 66,) decided that this grant did not extend above the Raccoon Fork.

The action of the Executive Departments, awarding and transferring to the State, under this grant, lands situate above the said fork, was regarded by the court as unauthorized and void.

They were, therefore, approved to the State for railroads, under said act of May 15, 1856, so far as such lands were situate within the prescribed limits of the line of the road.

The attorney of the Des Moines Navigation and Railroad Company, in a very elaborate brief, contends that under the grant of 1846 this land was withdrawn, and that the original decision of the court could not operate to restore it. He refers to the instructions issued by the Commissioner of the General Land-Office, of June 1, 1849, to the register and receiver at Iowa City, Iowa, for evidence of withdrawal. Upon looking at these instructions, it is found that the withdrawal only extended up to township 33 north, range 26 west, that being as far as the public surveys had progressed in that direction. This tract is, consequently, not within the limits of that withdrawal.

Besides, the court held that the act of Congress "was a grant to Iowa of an undivided moiety of the lands below the Raccoon Fork, and the officers of the Executive Department had no further authority than to make partition of these lands. Having extended their acts to lands lying outside of the boundaries, their attempts to make partition were merely nugatory."

The grant being thus restricted to lands below the Raccoon Fork, Congress, by resolution approved March 2, 1861, relinquished to the State of Iowa all the title the United States then held in the tracts of land above the said fork, which had been improperly certified to said State under the grant of 1846, and which were then held by *bona fide* purchasers under the State.

It is also claimed that the Des Moines Improvement Company was a *bona fide* purchaser from the State, and consequently that the defect of title was cured by said resolution. After it had been approved the State was called upon to furnish a list of the tracts improperly certified to her which she had sold.

This tract is not found in the State's list, although it appears in a list of tracts said to have been sold by the company.

Said resolution not covering all the lands claimed for the Des Moines River grant, Congress passed the act approved July 12, 1862.

This act makes a new grant to the State of those lands above the Raccoon Fork, "to be held and applied in accordance with the original grant," except a portion thereof, which are to be used to aid in constructing a railroad, and it is provided that "if any of said lands shall have been sold or otherwise disposed of by the United States, ex-

cepting those released under the joint resolution," an equal amount of lands within the State are to be set apart and certified in lieu thereof.

Referring to the original grant it is found to include only public lands "remaining unsold and not otherwise disposed of, encumbered and appropriated." The new grant gives indemnity for any of such lands above the said fork disposed of, except those released by the resolution. In view of this legislation it became necessary to ascertain what indemnity, if any, was due the State. The Commissioner of the General Land-Office, therefore, stated an account between the United States and the State of Iowa, dated May 21, 1866. The State was credited with the amount of the odd numbered sections within five miles of the Des Moines River, above the Raccoon Fork, being a total of 558,004.06 acres, and debited as follows:

	Acres.
1st. Land selected under special certificate	297, 603. 74
2d. Land in place to be certified	167, 109. 02
3d. Land confirmed by resolution	44, 838. 64
4th. Land confirmed on East Fork	11, 661. 80
5th. Excess selected and approved under the act of 1841	35, 473. 54
	<hr/>
	556, 686. 74
Leaving due the State	1, 317. 32
	<hr/>
	558, 004. 06
	<hr/>

This adjustment was accepted by Josiah A. Harvey, "register of the State land-office and commissioner on behalf of the State of Iowa," and approved by Mr. Secretary Harlan, May 29, 1866. The 1,317.32 acres were subsequently selected and approved to the State. The State, by the deliberate and recorded admission of her authorized agent, has thus received all the lands to which she was entitled on account of the improvement of said river. The adjustment is conclusive and final.

As the State received indemnity for this identical tract, her claim on behalf of the Des Moines Company must be rejected without regard to adverse claims.

2d. Having disposed of the claim under the river grant, I proceed to consider that of the railroad. I premise by saying that while it appears the railroad company were notified of the appeal taken by Battin, they have failed to put in an appearance.

The grant to the State for the purpose of aiding in the construction of railroads by said act of 1856, granted every alternate odd-numbered section for six sections in width on each side of each of the roads, with the right to select indemnity for such sections or parts thereof disposed of, with a proviso, reserving from the operation of the grant any and all lands reserved for the purpose of aiding in any of the internal improvements, &c.

The Supreme Court of the United States at the December term, 1866, (5 Wallace, 681,) rendered a decision to the effect that said proviso operated to exclude from the railroad-grant the odd-numbered sections within five miles of the Des Moines River, above the Raccoon Fork, and that the same passed to the State under the acts granting lands to aid in improving said river.

At the date of that decision the Des Moines River grant had been finally adjusted.

The State had, as before remarked, received all the land to which she was entitled on account thereof, and she is thus estopped from setting up a claim. Although this fact does not appear in the record of the case, I have shown that it is incontrovertibly established by the records of your office. It is the duty of the Department in administering the acts of Congress to give full effect to the settlement, otherwise the State would first obtain, in lieu of lands which she alleged had been "otherwise disposed of," an indemnity amounting to an equal quantity of such lands, and then, when her right to land selected by way of indemnity had been recognized and confirmed to her, she could assert her title to the lands she alleged had been disposed of. The effect of this would give her more than she originally claimed. The effect of that decision is, therefore, only to exclude from the railroad-grant lands lying north of the fork, and to restore them to the public domain, at least so far as to subject them to the operation of the pre-emption and homestead laws. Further, by act of June 2, 1864, (13 Stat., 98,) amendatory of the grant of 1856, additional lands were granted to the State, and new provisions were ingrafted upon the original law. One of these, the last proviso to the fourth section, excludes from the railroad-grant any land "settled upon and improved in good faith by a *bona-fide* inhabitant under color of title derived from the United States or the State of Iowa, adverse to the grant," and the railroad company are authorized to select other land in lieu of tracts so settled upon and improved. These *bona-fide* inhabitants need not necessarily be pre-emption settlers, but they must be *bona-fide settlers* claiming from the United States or the State of Iowa. Consequently, the State could have no valid claim under the railroad-grant to any tract settled upon and improved in good faith by a *bona-fide* inhabitant. Furthermore, it is certified by

the executive of the State, that the State has not transferred this tract, and he relinquishes any title or color of title to it by virtue of its having been approved and certified under that grant.

3d. The remaining question to be determined is whether Battin's claim can be allowed. It is not material to consider whether this land has ever been reserved so as to exclude it from the operation of the pre-emption laws. Even if such had been the case, the difficulty would be removed by the proviso in the act of 1854, and it is only necessary to ascertain whether he is a "bona-fide settler," &c.

From the evidence, it would appear that Battin settled upon the land in good faith, in October, 1857, having purchased the improvements of a prior settler, and has complied with the requirements of the pre-emption law and been allowed to enter the land.

That entry is in accordance with law, and will be carried into patent.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. JOSEPH S. WILSON,
Commissioner of the General Land-Office.

This ruling was sustained in numerous cases before the Secretary soon after the date of the above letter.

On the 20th of May, 1868, the Commissioner of the General Land-Office addressed a letter to the register and receiver of the Des Moines, Iowa, land-office, in which district most of the lands under consideration were situate. The following is a copy of that letter:

DEPARTMENT OF THE INTERIOR,
General Land-Office, May 20, 1868.

GENTLEMEN: Under date of the 9th instant the Hon. Secretary of the Interior reversed the decision of this office of July 23, 1867, rejecting the claim of Herbert Battin to the southwest quarter, section 3, township 83 north, range 27 west, and awarding the same to the Iowa Central Railroad Company, and from which ruling an appeal was taken by J. Browne, esq., representing the Des Moines River Navigation Company.

In view of this decision of the Hon. Secretary, the Des Moines company will not be regarded as having an interest touching any pre-emption or homestead claim to lands not embraced in the settlement of May 21-29, 1866, with the State of Iowa on account of the various grants of land for the improvement of the Des Moines River. A copy of the decision of the Secretary is herewith inclosed for your information and that of all persons interested in this or similar cases.

The pre-emption cash entry No. 21,240 of Herbert Battin, covering the tracts described, has this day been relieved from suspension, approved and filed for patenting.

Very respectfully,

JOS. S. WILSON,
Commissioner.

REGISTER AND RECEIVER,
Des Moines, Iowa.

On the 10th day of June, 1868, the Commissioner wrote the same officers another letter, of which the following is a copy:

DEPARTMENT OF THE INTERIOR,
General Land-Office, June 10, 1868.

GENTLEMEN: I am in receipt of the register's letter of the 3d instant inclosing the application of Jeremiah Elliott, who applies to enter the northeast fractional one-quarter and northeast quarter southeast quarter, section 3, township 83 north, range 27 west, and stating that Mr. Elliott had filed D. S. No. 3,215 for said tract under the pre-emption act of 1841.

In reply I have to state that said tracts are of the same class of lands awarded to Herbert Battin by the Hon. Secretary's decision of May 9, 1868, a copy of which was transmitted to your office on the 20th ultimo, and is, in fact, a part of the same section approved to Battin under said decision.

You will, therefore, allow Mr. Elliott to prove up and pay for said tracts under the pre-emption act of 1841, if you are fully satisfied that he has a valid pre-emption claim thereto and comes within the purview of decision above referred to.

Very respectfully,

JOS. S. WILSON,
Commissioner.

REGISTER AND RECEIVER,
Des Moines, Iowa.

In the mean time the Des Moines Navigation and Railroad Company enjoined the local officers from carrying out the order of the Secretary, by suit in the district court, and on the 17th day of June, 1868, the Secretary of the Interior wrote to the Commissioner of the General Land-Office the following letter relating thereto :

DEPARTMENT OF THE INTERIOR.

Washington, D. C., June 17, 1868.

SIR: I have received your letter of the 15th instant, and accompanying papers, whereby it appears that the United States district court for the district of Iowa has issued an injunction against the register and receiver of the local land-office at Des Moines, Iowa, to restrain those officers from carrying out the decisions of this Department in the case of Herbert Battin and others.

You will direct the register and receiver to employ competent counsel to answer for and defend the action of this Department in the cases referred to. You will state to them that copies of any papers from the files of this Department, which may be required for that purpose, will be furnished upon application. Said counsel will be employed at the expense of the United States, and the bill will be sent to your office for settlement. I return the papers.

Very respectfully, your obedient servant,

A. H. BROWNING,
Secretary.

Hon. JOS. S. WILSON,
Commissioner of the General Land-Office.

This information was communicated to the local land-officers, and counsel was employed and defense made in the suit.

On the 28th day of August, 1868, the Commissioner of the General Land-Office wrote the register and receiver at Des Moines, Iowa, the following letter, instructing them to disregard the injunction proceedings :

DEPARTMENT OF THE INTERIOR,

General Land-Office, August 28, 1868.

GENTLEMEN: On the 9th of May last the honorable Secretary of the Interior decided in favor of the right of Herbert Battin to enter as a pre-emptor the southwest quarter of section 3, township 83, range 27, in the Des Moines land-district, Iowa, and you were accordingly instructed to be governed by that decision in all cases within the ruling therein made.

For carrying out these instructions you were, on the 5th of June last, served with a writ of injunction, issued from the United States circuit court for the district of Iowa, enjoining you from proceeding under said instructions. By direction of the acting Secretary, this day received, you are now instructed to proceed in the duties required by the decision in the Battin case, regardless of the injunction, and receive and file declaratory statements from actual settlers in all cases strictly falling within the ruling made in the Battin case, a copy of which decision has been transmitted to you, simply filing in the circuit court an answer denying its power to control your official action, and a motion to dissolve the injunction for want of such power, at the same time filing with the answer the argument herewith transmitted, presenting the views of the Department in reference to the action of the court. Having already retained counsel, you will advise him of the position taken by the Department, and that the only defense contemplated is that indicated above.

You will advise this office of all action taken under these instructions, and all further proceedings in court.

Very respectfully, your obedient servant,

JOS. S. WILSON,
Commissioner.

REGISTER AND RECEIVER
United States Land-Office, Des Moines, Iowa.

In the mean time, by order of the Commissioner of the General Land-Office, under direction of the Secretary of the Interior, the officers of the land-offices at Fort Dodge and Des Moines opened their offices to admit pre-emption and homestead applications upon these lands.

The action of Secretaries Smith and Browning was brought before

the Supreme Court at the December term, 1869, in the case of William B. Welles *vs.* Hannah Riley, not reported.

A copy of the opinion is appended, as follows :

DECEMBER TERM, 1869.

HANNAH RILEY, APPELLANT,	}	No. 397. Appeal from the circuit court of the United States for the district of Iowa.
vs.		
WILLIAM B. WELLES.		

Mr. Justice NELSON delivered the opinion of the court :

This is an appeal from the circuit court of the United States for the district of Iowa. This case is not distinguishable from that of Wolcott *vs.* The Des Moines Company, (5 Wall., 681.) Welles, the plaintiff below, derives his title by deed from this company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration-money from the Des Moines Company, the grantors, on the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.

In that case it was insisted that the title was not in the Des Moines Company, but in the Dubuque and Pacific Railroad Company.

In the present case the defendant claims title under, and in pursuance of, the pre-emption act of September 4, 1841.

Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the land department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion in the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.

The decree below affirmed.

Also, in the case of Jesse C. Williams *vs.* William Baker *et al.*, December term, 1872, the Supreme Court say :

We therefore re-affirm, first, that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846; and, second, that by the joint resolution of 1861 and the act of 1862 the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant, and for such other purposes as had become proper under that grant.

By reference to the act of July 12, 1862, it will be seen that an equal amount of lands is authorized to be selected by the State as indemnity "for any lands which shall have been sold or otherwise disposed of by the United States before the passage of that act," which provision was added under the supposition that the lands within the railroad limits had, under the decision in the Litchfield case above cited, inured to the State under the railroad grant of 1856.

This opinion being maintained by the land department, an equal amount of lands was set apart in lieu of lands so supposed to be held by the State as railroad lands.

The act of July 12, 1862, also authorizes a diversion of a portion of the improvement grant to railroad purposes, and by the act of settlement between the State and the navigation company, and in accordance with

the joint resolution of the legislature of Iowa approved above set out, the Keokuk, Fort Des Moines and Minnesota Railroad succeeded to all the rights of the State in and to the lands not used by the State in the settlement aforesaid, to aid in the construction of a railroad "upon and along the river." But as the Supreme Court in the Walcott case held that the lands for which indemnity was selected inured to the State under the original act of 1846, and that the title thereof had not failed, hence the selection of the indemnity lands was erroneous, and no title passed to the State by reason of such settlement and selection. But on the 3d day of March, 1871, Congress passed an act confirming the Harvey settlement, and confirming the indemnity lands to Des Moines Valley Railroad Company, successors of the Keokuk, Fort Des Moines and Minnesota Railroad Company by the following act:

AN ACT confirming the title to certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title to the land certified to the State of Iowa by the Commissioner of the General Land-Office of the United States, under an act of Congress entitled "An act confirming a land claim in the State of Iowa, and for other purposes," approved July twelve, eighteen hundred and sixty-two, in accordance with the adjustment made by the authorized agent of the State of Iowa and the Commissioner of the General Land-Office, on the twenty-first day of May, anno Domini eighteen hundred and sixty-six, and approved by the Secretary of the Interior on the twenty-second day of May, anno Domini eighteen hundred and sixty-six, and which adjustment was ratified and confirmed by act of the general assembly of the State of Iowa, approved March thirty-one, eighteen hundred and sixty-eight, be, and the same is hereby, ratified and confirmed to the State of Iowa and its grantees in accordance with said adjustment and said act of the general assembly of the State of Iowa: *Provided,* That nothing in this act shall be so construed as to affect adversely any existing legal rights or the rights of any party claiming title or the right to acquire title to any part of said lands under the provisions of the so-called homestead or pre-empted laws of the United States, or claiming any part thereof as swamp lands.

Approved March 3, 1871.

This act was construed by the Supreme Court in the case of *The Iowa Homestead Company vs. The Des Moines Navigation Company, Wolcott et. al.*, December term, 1872, a copy of the opinion is as follows:

SUPREME COURT OF THE UNITED STATES.

DECEMBER TERM, 1872.

THE IOWA HOMESTEAD COMPANY, APPELLANTS,	} No. 128.
<i>vs.</i>	
THE DES MOINES NAVIGATION AND RAILROAD COMPANY, Samuel G. Wolcott, <i>et al.</i>	

Appeal from the circuit court of the United States for the district of Iowa.

Mr. Justice DAVIS delivered the opinion of the court :

This case presents another phase of the Des Moines River land litigation.

The main question involved in this case is the question of title to the Des Moines River lands, which was settled several years ago by the decision in the cases of *Wolcott & Burr*, (5 Wallace, 681,) and in the subsequent and unreported case of *Wells vs. Riley*, adversely to the title set up by the appellants. At the present term of this court the principles involved in these decisions were reconsidered and reaffirmed. (See *Williams vs. Baker*, and the *Cedar Rapids and Missouri River Railroad Co. vs. Martindale* and others.) It is, therefore, no longer an open question that neither the State of Iowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands then claimed to belong to the Des Moines River grant of 1846, and that the joint resolution of 2d of March, 1861, and act of 12th of July, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river-grant. If so, the claim of title by the appellants, who are grantees under one of these railroad companies, to the lands certi-

fied to the State of Iowa, under the act of August 8, 1846, above the Racoon Fork of the Des Moines River, has no foundation to rest upon. But the appellants insist if they cannot recover these lands they are *cestui que trust* for a portion of the indemnity lands obtained by the State under the act of July 12, 1862. Congress by this act extended the grant originally made to the State in 1846, for the improvement of the Des Moines River, so as to include the alternate sections of land, (designated by odd numbers,) between the Racoon Forks and the northern boundary of the State, and consented that a portion of these lands should be applied to the construction of a railroad, which, by change of name, is called the Des Moines Valley Road.

This legislation was intended to put the State in exactly the position it would have been, if there had been no dispute as to the extent of the grant in 1846, and accordingly the Secretary of the Interior was directed, if any of the lands within the granted limits should have been sold or otherwise disposed of by the United States before the passage of the act, to set apart an equal quantity elsewhere in the State in lieu thereof.

In case the State also had sold and conveyed any of these lands, the title to which had proved invalid, the act directed that the land set apart by the Secretary of the Interior should be held in trust for the benefit of those persons whose titles had thus failed. This latter provision was rendered necessary by the conflict in opinion which had for a series of years existed concerning this river-grant. The State had always maintained that the original grant, properly construed, extended above the Racoon Forks, while, on the contrary, the United States had at different times both denied and admitted the claim of the State. It was to be expected in this condition of the dispute that both the State and General Government had disposed of a portion of these lands. If so, and the title of the grantees of the State had proved invalid, it was eminently proper that they should be protected, and there was no better way to do this than to require the State, in the first instance, to use the indemnity lands for this purpose.

It is admitted in the record that the State has conveyed to the Des Moines Valley Railroad Company, one of the defendants in this suit, for good and valuable considerations performed by the company, all the lands received by the State under the act in question, except those only which had been conveyed by the State under the act of August 8, 1846, and the legislation pursuant thereto.

The inquiry arises, whether the State, at the time of the passage of the act of 12th or July, 1862, had conveyed to the grantor of the appellants any portion of the lands lying within the river grant. If not, they are not within the purview of the act, for they have not suffered any loss by reason of any transaction with the State, and are, therefore, not in a position to claim compensation. The Iowa legislature, by act of July 14, 1856, conveyed to the Dubuque and Pacific Railroad Company, the grantor of the appellants, the lands granted to the State by the act of Congress of May 15, 1856. The conveyance did not specify any particular lands, but in a general way transferred to the company all the rights and interests which the State received from the United States under this grant. If, therefore, the river lands were not granted to the State by the act in question, they were not embraced in the conveyance which the State made to the company, and the State, therefore, has not broken its engagement with the company. This court having decided and re-affirmed the decision that the grant of 1856 did not include the lands claimed by the State to belong to the river improvement, it is difficult to see on what grounds the appellants can rest their right to indemnity under the act of July 12, 1862, for they cannot be *cestui que trusts*, as they never had any title which has proved invalid.

But the appellants insist, if they are not the holder of any titles which have failed within the meaning of the act of July 12, 1862, they are, nevertheless, entitled to a portion of the indemnity lands certified to the State under that act, because they were certified upon the assumption that the river lands had been granted by the act of May 15, 1856. It is undoubtedly true that in 1866, on this theory, the State of Iowa, through its authorized agent, made an adjustment with the Commissioner of the General Land-Office, by which a large quantity of lands were certified to the State as indemnity for the lands which it was claimed had been disposed of by the United States by the grant for railroad purposes in 1856. It is equally true that the construction by these officers of the different acts of Congress relating to this subject, by which this result was obtained, was erroneous, as we have held in three different cases. But the decision in Wolcott's case, the first of the three, was not then announced, and the adjustment was doubtless induced by the decision in Litchfield's case, (23 How., 66,) that the river grant did not extend above the Racoon Fork. Whatever may have caused the adjustment, it is quite apparent, as the lands were erroneously certified under the act of July, 1862, that something more was needed than the action of the Land-Commissioner, fortified as it was by the approval of the Secretary of the Interior, to pass a valid title to the State and its grantees. That which was requisite to accomplish this object was obtained by the legislation of the State and of Congress. The legislature of Iowa, in March, 1868, on the performance of certain conditions, directed a conveyance to be made to the Des Moines Valley Railroad

for all the lands embraced in the act of Congress approved the 12th of July, 1862, and ratified the adjustment made with the Commissioner of the General Land-Office. In accordance with this legislation, the lands in controversy were patented by the State to the company, the conditions imposed upon the company before this could be done having been complied with. Although the ratification of the adjustment and the grant to the Valley Railroad would seem to be inconsistent acts, yet Congress, with full knowledge on the subject, on the 3d of March, 1871, confirmed the title to the State and its grantees. It is true the law by which this is done says it is in accordance with the adjustment, and the act of the general assembly of Iowa, but, as we have seen, this act not only ratified the adjustment, but also granted the lands to the Valley Road.

Indeed, the main purpose of the act was to secure the construction of the road, by the transfer to it of the lands obtained under the adjustment. Whether the State of Iowa, in the disposition which it made of these lands, conformed to the adjustment, is not a question for us to consider.

This consideration was properly addressed to Congress, who, with full knowledge that the legislature had parted with the lands to the Valley Road, chose to confirm the title to "the State and its grantees."

If Congress had withheld its consent to what the State had done, neither the State nor the road would have taken anything by the action of the officers certifying the lands. This was also known to Congress, because the decision in Wolcott's case was then before the country.

Congress, therefore, with full information that the State of Iowa was not entitled to these indemnity lands by reason of any previous legislation, thought proper, nevertheless, to give them to the State, knowing at the time that they were to be used in building a railroad along the line to the Des Moines River. It had already consented that a part of the lands originally designed for the improvement of this river by locks and dams should be applied to the construction of this road, and was doubtless induced to give the direction it did to the indemnity lands because it was satisfied that further aid was necessary to secure the completion of the Valley Road, while the east and west roads were either completed or nearly so. If we are correct in these views, there is an end of this controversy, because Congress had the undoubted right to dispose of these lands for such purposes as in its judgment might best subserve the public interests, and having decided this question for itself, the homestead company is not in a position to question the authority of that decision. As the grant in 1856 did not cover the river lands in place, this corporation is not within the terms of the act of July 12, 1862, and has, therefore, no rights which either the State or Congress were bound to respect.

It must be conceded that its expectation to share in the result of the adjustment concluded between the authorized agent of the State and the land department of the General Government was reasonable under the circumstances; but this expectation was not founded on any legal right, and cannot, therefore, be the subject of judicial inquiry.

It seems that the appellant, during this litigation, paid the taxes on a portion of these lands, and claims to be re-imbursed for this expenditure in case the title is adjudged to be in the defendants, on the ground that they paid the taxes in good faith and in ignorance of the law. But ignorance of the law is no ground for recovery, and the element of good faith will not sustain an action where the payment has been voluntary, without any request from the true owners of the land, and with a full knowledge of all the facts. It is an elementary proposition, which does not require support from adjudged cases, that one person cannot make another his debtor by paying the debt of the latter without his request or assent.

It is true, in accordance with our decision, the taxes on these lands were the debt of the defendants, which they should have paid, but their refusal or neglect to do this, did not authorize a contestant of their title to make them its debtor by stepping in and paying the taxes for them, without being requested so to do. Nor can a request be implied in the relation which the parties sustained to each other. There is nothing to take the case out of the well-established rule as to voluntary payments. If the appellants, owing to their too great confidence in their title, have risked too much, it is their misfortune, but they are not on that account entitled to have the taxes voluntarily paid by them refunded by the successful party in the suit.

The decree of the circuit court is affirmed.

Mr. Justice MILLER took no part in this decision.

D. W. MIDDLETON,
Clerk Supreme Court United States.

Hence it will be seen that settlers claiming title under the United States have lost these lands by reason of the subsequent legislation of Congress and the decision of the Supreme Court. Justice Davis, in

the opinion in the case of *R. S. Burrow vs. George Crilly*, Supreme Court, December term, 1872, used this language:

We have already decided that the Des Moines River lands were reserved from sale; and this reservation continued until Congress, by the joint resolution of 1861, released to the State for the use of its grantees the legal title still in the General Government, without any saving clause in behalf of settlers or those who might claim under the pre-emption laws of the United States. This might have been a "*casus omisus*" on the part of Congress, but this court has no power to supply the omission. We are unable to see in this case any principle which has not been already passed upon by this court in some one of the suits relating to this protracted litigation.

Looking to the relief of this class of persons, a bill was passed in the Forty-second Congress as follows:

AN ACT to authorize the President to ascertain the value of certain lands in the State of Iowa, north of the Raccoon Fork of the Des Moines River, held by settlers under the pre-emption and homestead laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized to appoint three commissioners, who shall ascertain the number of acres, and, by appraisement or otherwise, the value thereof exclusive of improvements, of all such lands lying north of Raccoon Fork of the Des Moines River, in the State of Iowa, as may now be held by the Des Moines Navigation and Railroad Company, or persons claiming title under it adversely to persons holding said lands, either by entry or under the pre-emption or homestead laws of the United States, and on what terms the adverse holders thereof will relinquish the same to the United States; and that they report the facts at the commencement of the next session of Congress; but nothing herein contained shall be held to affect, in any manner, the question of title to any of said lands.

SEC. 2. That the compensation of said commissioners shall be eight dollars per diem during the time they shall be engaged in said service.

Approved March 3, 1873.

In pursuance of this act a commission was appointed by the President, who have made their report, and the same was presented to Congress at the commencement of the present session, and is Ex. Doc. No. 25, Forty-third Congress.

The bill under consideration proposes to relieve such persons in accordance with that report by purchasing the outstanding superior title, or, if that cannot be done, by indemnifying them for their losses by reason of the failure of title.

Your committee find that the theory of this bill is in accordance with the former action of the Government.

In 1814 (3 Stat. at L., p. 16) Congress passed "a bill to quiet title to certain lands in Mississippi." The lands were a portion of the lands ceded to the General Government by the State of Georgia, and they were sold by the United States by release and quit-claim only. In *Fletcher vs. Peck*, 7 Cranch, 166, the Supreme Court held these titles void. The adverse title was purchased, at a cost of \$5,000,000, by the United States and confirmed to the settlers.

In 1820 Congress passed a similar bill in favor of Philip Barbour. (6 Stat. at L., p. 236.)

In 1824 a case in all respects like the one under consideration came before Congress for adjustment. This grew out of the Virginia cession of public lands, that State having reserved the lands lying between the Little Miami and Scioto Rivers, in Ohio, to satisfy warrants of the State issued to her soldiers of the continental line. The streams being of different length, when the public surveys were made a line was run from the source of the shorter parallel to longitude to intersect the other a distance below its source, and following this survey the lands above the line were sold by the United States. In the case of *Doddridge Lessees vs. Thompson and Wright* (9 Wheaton, 469) the Supreme Court

held that the true line was from the head of one stream to the head of the other, whereby the titles of the United States failed. Congress, realizing its duty to protect these purchasers, passed an act providing for a commission in all respects as the one in this case. (4 Stat. at L., p. 70.) The adverse owners agreeing to release, an appropriation was made to purchase the land. (4 Stat. at L., p. 405.) About \$80,000 was required to perfect all the titles thus failing.

So when a portion of New Madrid County, Missouri, was destroyed or damaged by an earthquake, the United States released persons holding its title to the land thus destroyed or damaged. (3 Stat. at L., p. 211.)

This bill has the approval and recommendation of the Commissioner of the General Land-Office, and his letter to Hon. W. S. Herndon, of the committee, we copy in full, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., March 16, 1874.

SIR: I have the honor to acknowledge the receipt, by your reference of 6th instant, of House bill 1142, "To authorize the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant, on account of failure of titles, and to procure a relinquishment of the paramount titles to the United States."

This bill seems to be intended as a measure of relief to actual settlers, ascertained by a commissioner authorized by act of Congress last session, as beneficially entitled, on account of having been allowed to acquire and make valuable improvements upon lands actually embraced in a grant to the State, through the conflicting and unstable rulings of the executive officers of the Government, and the obscure and doubtful phraseology of the laws enacted by Congress.

It would require too much labor and space to enter upon a detail of the matters connected with this subject. They have been spread upon the records, not only of the Executive, but of the Judicial Department; no less than six cases having been already carried to the Supreme Court of the United States for settlement.

The original grant of August, 1846, was variously construed as running above, and as restricted to, the Raccoon Fork of the Des Moines River. In 1859 the Supreme Court enforced the latter construction.

It was then held by this Department that the lands above the said fork, so far as they fell within railroad limits, were embraced by the railroad grants of May 15, 1856, and they were certified accordingly, with the exception of those previously settled upon by pre-emptors, whose claims were, subsequently, under this ruling, allowed to be carried into entry and many of them into patent.

The inclosed copy of a decision of Mr. Secretary Smith, dated April 10, 1862, will fully explain this point. I have also furnished Hon. J. Orr, of your committee, a copy of the Department decision, of same date, in an individual case, that of George Crilly, which will further elucidate it. These will be sufficient respecting those claims having inception prior to the act of July 12, 1862, to which you refer.

The view taken by the Department respecting that act and its relation to the previous grants will best appear from the inclosed copy of a report of Mr. Commissioner Edmunds, dated February 23, 1863, and of the reply of Mr. Secretary Usher, dated April 7, 1863, accompanying his approval of the railroad lists.

In 1866 the whole matter was opened for final settlement and adjustment, between the State and the General Government, through an arrangement by which an account was stated by the Commissioner of this Office, allowing the certifications to stand in favor of the railroad grants and giving the State indemnity for the same on account of the river grant. The State accepted this settlement, and the matter was considered adjusted.

But a case was already before the courts between the several assignees of the State, and at the December term the well-known Wolcott decision was rendered, declaring the title of the railroad companies void, on account of express reservation in their grant.

Then followed a clamor for the recognition of settlement-claims upon the lands, based upon the allegation that, as the State had taken indemnity for them under the river grant, she was estopped from taking them in place.

This resulted in a decision by the Department to the same effect, under which claims were again admitted, and the lands were virtually thus thrown open to homestead and pre-emption entry.

A copy of the decision of Mr. Secretary Browning, dated May 9, 1868, in the case of Herbert Battin, was furnished Hon. Mr. Orr on the 10th instant, which will more fully explain the view entertained.

In 1869 the Supreme Court declared the patent issued to Hannah Riley, October 15, 1863, void, thus disposing of alleged pre-emption rights prior to the act of 1862; her settlement having commenced in 1855.

In 1871, March 3, Congress legalized the selection of indemnity taken by the State as recognized in the Harvey adjustment.

Under this act the Supreme Court, at the December term, 1872, has decided that the entire interest relating to all the lands has passed to the State.

Thus the settlers are without remedy to save their homes, which they have been practically invited by officers of the Government, acting in their official capacity, to rear upon these lands.

It would require long time and labor for me to follow the records page by page, to ascertain the particulars of each individual case, with date of settlement, value of improvements, &c., as requested by you.

Congress has assigned to a proper commission power to make the inquiry upon the ground, and their report has been presented. From a hasty examination, I am satisfied the work has been faithfully performed.

The commissioners say: "The persons whose names we have listed either hold patents or the usual receipts from the local land-offices at Fort Dodge and Des Moines, showing that they had filed their declaratory statements, and that the regular-fees for the same had been paid to and accepted by the Government."

The bill before me provides for a still further examination into the merits of each case that shall be presented, if it becomes a law. No probable opportunity for fraud seems to be afforded. In my opinion, some compensation is due these settlers for the material injury inflicted upon them by the agents of the Government.

What shall be the measure of this reparation is for Congress to determine. As you will see from the foregoing, this is a case upon which the most profound jurists of the country have differed in judgment. These settlers took the law from the Government officers after appeal to the highest departmental authority, and had a right to repose confidence in their decisions. Yet we have seen the courts steadily denying those conclusions, and in the final result the poor, unlearned settler is still further impoverished, and his labor is swallowed up by an enriched corporation.

Considering the fact that these settlers have acted in good faith, relying upon the decisions of the government officers, who were supposed to know the law, I think they are entitled to relief; and although, under ordinary circumstances, and in cases involving less extreme and peculiar hardship, I would not be willing to recommend compensation in money for losses sustained by settlers upon lands which Congress granted away, I think, in this instance, as the Government cannot perfect the titles which it undertook to confer upon these settlers without an appropriation of money, and as the settlers in going upon the lands had a right to believe that their titles would be perfected in the ordinary manner, and have invested their labor and means in improvements which they cannot abandon without ruinous loss, an exception to general rules and practice should be made in their favor, and therefore I approve and recommend the passage of the bill under consideration, as the only practicable measure of relief under the circumstances and at this late day.

In the act of March 31, 1814, a precedent for re-imbursement in money for failure of title to public lands was established. To what extent it has been followed in subsequent legislation, I have not had time to ascertain by examination of succeeding statutes; that being a matter not necessarily connected with the administration of this Office.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. W. S. HERNDON,
Committee on the Public Lands, House of Representatives.

Your committee, in recommending the passage of this bill, cannot find better words than those of the committee of this House, to whom was referred the bill in the Ohio case above cited, which we amend only to suit the facts attending this bill.

"This land is divided into small farms, generally in a high state of cultivation and improvement, owned by individuals in moderate circumstances, who are unacquainted with litigation, fearful of being dragged into a court of justice, at much expense, where no doubt can be entertained of their ultimate failure and defeat."

It is also a matter of regret and a misfortune that the legislation now asked by this bill should be rendered necessary by the conflicting rulings and decisions of the Land Department, by the decisions of the Supreme Court, and by the subsequent acts of Congress in disposing of these lands without making any reservation in favor of settlements made under these rulings and decisions, as referred to by Justice Davis in the case of Crilley, above quoted.

In view of the many decisions made in this case it is, in the opinion of your committee, useless to expect that these decisions will be reversed, and hence impossible to confirm the title in these persons.

The only relief in the power of the Government to afford them is such as is proposed by this bill, which your committee believe good faith on the part of the Government requires; and we recommend that the bill do pass.

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IRON-SHIP-BUILDING YARDS.

APRIL 2, 1874.—Recommitted to the Committee on Naval Affairs and ordered to be printed.

Mr. HAYS, from a sub-committee of the Committee on Naval Affairs submitted the following

REPORT:

[To accompany bill H. R. 589.]

The sub-committee appointed by the chairman of the Committee on Naval Affairs to consider the proposals of the International Steamship Company to establish an iron-ship-building yard on the waters of the Atlantic, and the proposal of the Western Iron-Boat-Building Company to establish one of similar character on the waters of the Mississippi, made to the Navy Department, submit, without recommendation, for the consideration of the whole Committee on Naval Affairs, the following statement :

These yards are measures of economy, required by the Government and by the entire country, to sustain its prosperity. Their establishment under these proposals calls for no expenditure of the people's money, but afford the means of saving several millions of dollars yearly in naval appropriations.

They answer in a practical manner the demand of the farmers and planters of the West and the South, by providing the only immediately available resources from which the means of cheap transportation can be obtained, and by which corn, wheat, cotton, and other products of the West and the South, can be borne to the sea-board, and thence, with other industrial productions of the Eastern States, be carried to foreign markets under our own flag, at vast savings to the industries of our whole country.

They provide sources from which the ship-builders throughout the United States can draw ready-shaped material and machinery for ship-building promptly, at the lowest productive cost, thus providing in the most practical manner for reviving those nearly ruined industries ; and they provide certain and reliable facilities to regain, hold, and sustain our ocean carrying-trade—the only means by which our exports can be increased to form the sure and permanent basis upon which we may resume and sustain specie payments.

The creation of these yards will give to the United States—as similar creations have given to Great Britain—prosperity to its manufacturing and mechanic industries, the broadest and most economical means of cheap transportation for the productions of the farmer and planter, and secure constant employment to labor at remunerative wages.

These building-yards, though costly beyond the ability of individual enterprise, cost the Government nothing, involve it in not a dollar of liability to loss, because it holds security at all times beyond the amount of possible involvement, and has secured to its use without the cost of

maintenance facilities which it could not create for use in any reasonable time or at any reasonable outlay of money.

The respective companies ask no subsidy, no money-aid, no money-advance. The plan is one of integrity and practicability. The Government acts as trustee. To it is conveyed in trust all the property as it is created, as security for payment of the respective bonds of each, which bonds are deposited in the United States Treasury. None of these bonds can be drawn therefrom until property is created to represent their value, and this value is certified to by Government inspection. An assessment or tax, to form a sinking fund, is imposed by the bill, of 5 per cent. upon all commercial work, and of 10 per cent. upon all Government work which may be done in the yards in each year. This tax-fund rate is collected and held by the Government to meet the interest and liquidate the bonds, which it will no doubt do in half their maturing term.

Each company builds its own works with its own money, step by step, and as property is created or acquired its value is certified to by the Government inspection, and upon the certificate of this each company may respectively draw its own bonds to the certified amount only, and upon each bond is indorsed the statement that property has been created to its value, is held in trust by the Government to secure the interest and principal, the tax to be collected therefor, and that this collection and payment is guaranteed by Government. It amounts to nothing more to the Government than a guarantee of its own integrity in performing this trust, for, if it is performed, the money will always be in the Treasury in advance of any maturity of interest or of bonds. The proceeds of bonds drawn go to further creations in the general plan, as the works progress under like inspection and control.

The Government secures in the deed of trust and contract the right, in time of peace, to the entire efficiency of the yards upon any work which an exigency may demand, and in time of war their absolute control. For these advantages, almost invaluable, it gives as a legal consideration for binding effect the use of the amount of interest, if any become due, while the yards are in progress of construction; but this amount is returnable *pro rata* from the money which, respectively, each company places in the United States Treasury, and which is under control of the commission appointed in the bill. Thus, not a dollar of liability is incurred, not a dollar expended which the Government is not fully protected in against loss, and every dollar of money expended by either company is for the positive benefit of Government and of the people, and to stimulate the *re-growth* of that great *art and industry—ship-building*—which has in all ages and in all countries been the foundation, the source of power and of prosperity to the countries having the wisdom to avail of it.

The proposition is safe beyond any ever made to the Government. It is a pledge of property of vast creative power, of absolute value far beyond the amount of guaranteed bonds, yearly increasing in that value, while the guaranteed amount is yearly decreasing by payments from its earnings into the United States Treasury. All that Government gives is a loan of its credit, upon a collateral of greater value than the amount of credit loaned, and if there should be a failure, of which there appears no possibility, it can take a property of almost inestimable value for a mere balance which may then be outstanding. The advantages proposed to be secured are, however, mutual. The companies obtain cheap money by the high credit of the trustee. The Government by being trustee risks nothing, and obtains facilities for

economy in naval expenditures which it does not possess in its navy-yards, and extends these facilities to all ship-builders, thus preventing monopoly and permitting all to share in the benefit of these yards.

This subject was placed before the Forty-second Congress in a communication of the Secretary of the Navy to the Senate, in which he gives the following explanation and commendation :

The proposals of the company, which are herewith transmitted, offer to erect, at a suitable place satisfactory to the Government, a yard for building iron ships, which shall have within itself all the facilities of blast and puddling furnaces, rolling-mills, and workshops, for the conversion of ores into superior iron, and working it into ships and machinery, so that an iron vessel of the largest size can be there built, completed, and floated from her building-bed in the dock to the water, without the expense and risk always incurred in launching from ordinary building ways.

It being evident that the cost of creating such an establishment, with all the necessary appliances, including costly docks of sufficient capacity for large iron-clads and commercial steamers, *will require more capital than can be, at this time, aggregated at the command of individual builders, and that this can only be obtained by an association of capital upon a well-formed and secure financial basis*, the plan proposed by the International Steamship Company to secure this is as follows :

"The company are to erect all the furnaces, founderies, rolling-mills, workshops, machinery, tools, docks, piers, and appurtenances necessary for making superior iron from ores, and the working of this iron into naval and commercial vessels ; *agreeing to give preference to the work of the Navy for construction or repair at all times, and the absolute control of its yards, docks, and works to the Government in time of war.*

"It is proposed that the cost of the yards, docks, and all the works is to be paid for out of the earnings of the company in the following manner, viz : The company are to issue and deposit in the United States Treasury, five thousand bonds of \$1,000 each, amounting in all to \$5,000,000. *These are only to be drawn from the Treasury as property is shown, and certified under Government inspection, to have been accumulated to secure their value, and, as drawn, are to have certified on each that the Government guarantees the collection of the tax-fund established to secure their payment, and the payment of the interest and principal therefrom.* To create, collect, and control the fund for the payment of these bonds, the Government is asked to fix and collect a tax of 5 per cent. upon all the work done annually in the yards, and in addition thereto 10 per cent. to be reserved from the amount of all work done for the Government. These amounts are to be deposited by the Government officers in the Treasury of the United States for the payment of interest and principal of these bonds. The tax-rate and 10 per cent. reservation are to continue until the sinking fund in the United States Treasury amounts to the sum of the outstanding bonds, and it is proposed that Government shall advance the interest for the first three years. A mortgage upon all the property is to be executed to the Government, to secure the conditions named, with authority to foreclose or take possession at any time upon default. The company proposes to build forthwith from its own resources twelve first-class steamers, to form a semi-weekly line for postal, passenger, and freight service between the United States and Europe, receiving, as compensation for the mail-service, the postages now allowed by law upon the mail-matter transmitted.

The steamers for this line are to be constructed upon such plans as will make them available both for commercial and naval purposes, to be carried out under inspection of the Government, and with internal arrangements adapted for the convenience and protection of immigrant families. *Should these plans be successfully carried out, it will certainly be a great step forward in the interest of the commercial marine and the naval service of the country, for at this time no such economical means exist, nor have we anywhere the requisite docks, tools, and machinery for the construction of large naval or commercial iron vessels ; the establishment and control of such works as those proposed would be of great advantage to the Government, and their successful prosecution would be a great practical step toward the restoration and permanent establishment of our ocean commerce.* One such building-yard operating successfully, with large facilities concentrated, and its work economized in each department, would demonstrate our ability to compete successfully in iron-ship building with our commercial rivals, and afford at once practical encouragement to the revival of ship-building throughout the country, and thence to the re-establishment of commerce. As it is largely the want of these facilities (made necessary by the changed material for ships) which retards our ocean commerce, their creation is necessary to give it vitality and permanence.

We have in our own country ores which will produce iron of much greater power of resistance and tensile strength than the iron of Great Britain, and at no greater expense except from the difference of labor, and this excess of strength in each kind of iron, reducing very materially the quantity used in any ship or piece of machinery, will go

far toward equalizing, if it does not entirely do away with, the difference in the cost of labor in its production. By means of this gain and the further economy of building in docks, if the necessary facilities for this are offered, the cost will, it is estimated, be equalized between our own and foreign steamers of about 3,000 tons, and give us an advantage in those of larger sizes. But these advantages can only be arrived at by concentrating the material at one place, to be there worked into its several conditions, freed from the costs of transportation and many separate profits which must otherwise be borne in converting ore from its original state into plate and bar iron fit for use.

The objects thus proposed to be accomplished are such as present themselves most favorably to the Navy Department. By the erection of building-yards for iron ships, and docks of large capacity sufficient for the building of large iron steamers adapted for commercial and war purposes, and in giving the Government preference in time of peace and absolute control in time of war, they promise to supply a great want to the naval service particularly, as well as to the country at large. *These things are necessary to our respectability and security in peace and our safety in war.* How they can be practically secured, at the smallest cost and with the least risk, is a subject which asks the consideration of our thoughtful statesmen. The requirements of this company seem to me to be moderate in amount for the purposes to be obtained, and the plans they propose seem to be such as will, if carefully guarded and properly executed, entail little risk of loss to the Government. (See Ex. Doc. No. 10, first session Forty-second Congress.)

This communication was referred to the Senate Committee on Naval Affairs, received careful and attentive consideration, evidenced by an able and unanimous report, which is appended hereto for the valuable information it affords.

In the last Executive message the President, in speaking of this subject, says:

In previous messages I have called attention to the decline in American ship-building, and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress of the last year has been satisfactory. There has been an increase of about one per cent. in the amount transported on American ships over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped this progress will be maintained, and even increased. *However, as we pay about \$80,000,000 per annum to foreign vessels for the transportation of our surplus products to a market, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.*

The accompanying bill contains a provision, asked for by the companies, that it shall be obligatory on each to supply to all the ship-builders of the country such material of superior iron and machinery at cost as will enable them to enter successfully into iron-ship and iron-boat building along the entire coasts or upon the rivers; and further, that any or all ship and boat builders of the country shall have the right secured to them of subscribing to the shares of the company at any time within two years after the completion of the respective yards. These provisions are so ample against monopoly, and so open to a common benefit, that remark upon or explanation of them seem needless.

A communication made to the committee by the president of the International Steamship Company, showing the value which these yards will prove to the country by supplying means for transportation of its surplus products, together with a statement of the quantity of these products, the present rates of transportation, and the rates which may be obtained, and savings gained to the producers by improved river, canal, and ocean carriers, is appended hereto, with copy of the proposals as made to and communicated by the Navy Department, that all the information may thus be in the possession of the House of Representatives:

WASHINGTON, February 25, 1874.

To the Chairman and Committee on Naval Affairs of the House of Representatives:

GENTLEMEN: The importance and magnitude of the subject of this letter, embracing the totals of our agricultural products, the quantities of these consumed by the population, the quantities exported, the enormous quantities still left, the high rates

of freight which retard the movement of this surplus, preventing its further export or sale, the consequent loss to the farmers and to the country; the indebtedness on import and export account against us in Europe, which could not exist if this surplus could reach foreign markets; the absolute necessity for relief from these disabling conditions by the re-establishment of our ocean-carrying trade, and the means to produce better ships therefor than those of our competitors, invite attention from the thoughtful to the facts herein stated; facts which are taken from Government and other official reports, and therefore require no vouching for their authority or correctness.

Our country at this time presents the strangely anomalous condition of being the richest in the world in all products useful to man, and yet one of the poorest in proper facilities of distribution of these products for man's benefit.

In the Western States agricultural industry draws from the soil such vast stores of products that many decay unused or are burned for fuel. In the Atlantic or Eastern States, and especially in their large cities, teeming with mechanic industry and manufacturing product, labor is unemployed; honest, hard-working men in the cold of winter are seen at the street-corners telling in beseeching words that they have been days without food, and that their wives and children are starving.

The West in its abundance, and the East in its want, each requiring the products of the other, do not make the exchange in sufficient quantity, notwithstanding there are traversing railroads and the cheapest of nature's means for transportation, lakes and rivers, and these connected by canals.

From Europe we have a constant demand for breadstuffs and meats in larger quantities than we supply, while more than the whole of that demand lies comparatively useless or rotting in the West.

From the East Indies there is now a cry of famine, a want of wheat and corn, which California, as nearest, might well supply from her great abundance, but does not. Why is this stagnation in the moving means not only to sustain but to make life enjoyable? It is soon told. In the annual report of the New York Produce Exchange, issued last October, it is stated that California required for the current year five hundred ships to transport her surplus of wheat only to her existing markets. Oregon required nearly a hundred more. Neither of these are yet fully supplied, and hence these States are powerless to aid India, and rendered powerless to secure fair profits upon these products to their people by their inability to reduce the high ocean freights.

In the Western States railroads have caused a vast reduction in the river trade; the wooden boats which sustained it were unfit to contend with these roads, because, lightly built, they were subject to and were destroyed in numbers by fires, explosions, and other casualties. They were not replaced in the face of such a contest, and the railroads control the bulk of transportation on their own terms. These terms of freight, though apparently excessive, cannot be much reduced by the railroads, because none of them are equipped with proper rolling-stock for economical carrying of grain. Hence the West cannot aid in giving that impulse to the exchange of products which would quicken industry by full development to labor in the East.

The demand for wheat, corn, and meats from Europe is not supplied by us to any large extent, because of the high rates of interior and ocean freights. Previous to 1861, when our ships held fair competition, the ocean-freight rates upon grain averaged 13 cents per bushel. Now, when our ships have been driven from the transatlantic trade, foreign ships exact from 25 to 30 cents per bushel, the latter during the shipping season, and this, added to our high interior freight-rates, raises the cost of our products in Europe to such high prices as nearly to exclude us from its markets, except in periods of short crops, and renders it unreasonable for us to rely upon any continuous large demand therefrom until freight-rates shall be reduced by new and better forms of carriers.

The control of the transatlantic carrying-trade is practically the control of the West India and South American trade. Hence, these foreign, economic, transatlantic iron steamships, by absorbing our transatlantic carrying, have broken down the employment of our wooden ships and of our wooden ship-builders, and seized upon these nearer markets by throwing the bulk of the carrying-trade controlled by them into foreign vessels, and this has reacted upon and seriously affected our coasting-trade.

The immediate and only remedy for this adverse condition of our commerce and ship-building would seem clearly that of providing for the production of better and safer ships by sources of supply of materials, open to all ship and steamboat builders, and from which they could draw these materials, whether of wood or iron, at the lowest cost that science and mechanic art can devise to create. The first necessity, the first material, is iron, of perfect homogeneity throughout, and of greater tensile strength than is used in foreign steamships. We possess the ores for making this iron, and steamships built of it will, from their superiority and safety, regain and command the transatlantic carrying-trade. This trade again controlled to us by the only means which can control it—thoroughly adapted iron steamships—will concentrate that constant freightage necessary to sustain a general ocean trade, such as caused our former

unprecedented production of wooden ships, for long voyages, for the West Indies, and for the coasting-trade, and will revive those trades, and with them the industries and employments in the wooden-ship building, which long ago built up our now lost maritime reputation. But new conditions to secure successful competition by wooden bottoms are now required, and which cannot be fulfilled by wooden-ship builders alone. Iron frames have taken the place of wooden "ribs," and these iron-framed wooden vessels, designated in England as "composite ships," are stronger, more durable, lighter, therefore larger carriers in proportion to tonnage, hence more economical and profitable, than vessels all of wood can be. To produce them the wooden-ship builders must have a source from which to obtain ready-shaped iron material. With this essential general source of supply, the ship-builders throughout this country can produce any class of vessels to regain and make our ocean commerce successful, and to reduce freight-rates, to the extension and benefit of our export products.

In the transatlantic service, upon the lakes, rivers, and canals, the buoyant and economic steamers, built from strong homogeneous iron, specially made for this object, and perfectly adapted to transportation purposes, will reduce the freight-rates to less than one-fourth of the average of winter and summer railroad-rates, and to less than one-half of the present water-rates between Chicago and New York, and to one-third the ocean freight-rates exacted by the foreign steamships. This will be better understood by a comparison of the exact rates to be attained by these new American iron vessels with the existing rates between Chicago and New York, and thence to Liverpool, including storage, handling, and shortage. These existing rates, by railroads, are :

Per ton.

Winter rate, Chicago to New York, per bushel, 54 $\frac{1}{2}$ cents; New York to Liverpool, 30 cents, making from Chicago to Liverpool 84 $\frac{1}{2}$; or, for the ton-rate through from Chicago to Liverpool.....	\$28 21
Summer rate, Chicago to New York, per bushel, 42 $\frac{1}{2}$ cents; New York to Liverpool, 30 cents, making from Chicago to Liverpool 72 $\frac{1}{2}$ cents; or, ton-rate, Chicago to Liverpool.....	24 21
Average of winter and summer rates, Chicago to New York, per bushel, 48 $\frac{1}{2}$ cents. Average of winter and summer, Chicago through to Liverpool, per bushel, 78 $\frac{1}{2}$ cents. Average of winter and summer ton-rate through, Chicago to Liverpool.....	26 62
Water-route—lakes, canal, and river—Chicago to New York, per ton, \$7.23, or, per bushel, 21 $\frac{1}{10}$ cents; New York to Liverpool, 30 cents, making Chicago to Liverpool, per bushel, 51 $\frac{1}{10}$ cents; or, for the ton-rate, through from Chicago to Liverpool.....	17 23
By new American iron carriers over same water-routes—Chicago to New York, \$3.25 per ton, or, per bushel, 94 cents; New York to Liverpool, 10 cents, making Chicago to Liverpool, per bushel, 19 $\frac{1}{2}$ cents; or, for the ton-rate, through from Chicago to Liverpool.....	6 58
There will thus be a saving by these new iron carriers of, per bushel, 38 $\frac{1}{10}$ cents on the average of the winter and summer railroad-rate from Chicago to New York, and a saving of, per bushel, 58 $\frac{87}{100}$ cents on the bushel-rate from Chicago to Liverpool, and a saving on ton-rate, per ton of \$19.64 on each ton between Chicago and Liverpool.	
The saving on the present water-rate—being the present low est price at which produce can be transported to New York—is 11 $\frac{37}{100}$ cents per bushel between Chicago and New York, and a saving per ton on the ton-rate between Chicago and Liverpool of.....	10 65

The lowest present rate from Saint Louis to New Orleans and thence to Liverpool is \$17.84 per ton, or, per bushel, 53 $\frac{1}{10}$ cents. It is generally a higher rate than this, but no lower has been reached. By the new and completely-adapted iron steamers wheat and corn can be carried from Saint Louis to New Orleans at less than 3 cents per bushel, or from Saint Louis to Liverpool for the whole through-rate of \$6.17 per ton, a saving of \$11.67 per ton, or 18 $\frac{5}{100}$ cents upon each bushel to Liverpool.

Between the existing rates and the rates which can be firmly established by thoroughly-adapted iron carriers, the difference, *which is the loss*, is enormous when considered either as to a State or to the United States. The people of the West have learned partly the cause of this loss from their own experience, but not all, and it is the part they have learned which is exciting them to action for cheap transportation.

Taking the entire products of some of the most prominent States, as given in the Agricultural Report for 1872, and calculating the quantity required for the whole population, as well as for all the live-stock of each, the following is their surplus production in tons weight. The surplus consists mostly of corn, wheat, oats, potatoes, butter, cheese, meats, tobacco, flax, and wool.

Illinois has a surplus of.....	7, 175, 727 tons.
Indiana has a surplus of.....	2, 500, 323 tons.
Michigan has a surplus of.....	851, 206 tons.
Ohio has a surplus of.....	2, 187, 422 tons.

Minnesota has a surplus of.....	938, 243 tons.
Wisconsin has a surplus of.....	1, 286, 513 tons.
Iowa has a surplus of.....	3, 290, 638 tons.
Nebraska has a surplus of.....	292, 345 tons.
Kansas has a surplus of.....	946, 328 tons.
Missouri has a surplus of.....	2, 833, 892 tons.

Taking Illinois and Iowa as more clearly illustrating the loss which the Western States relatively sustain, even at the lowest existing rates, when compared with rates which are attainable by well-adapted iron carriers, the following is the result:

To Illinois—The lowest average rate by water from Chicago, as already stated, has been \$7.23 per ton for the last six years. By properly-adapted iron carriers the rate, including all handling, can be reduced to \$3.25 per ton. The saving of the difference, if Illinois shipped only to New York, would in each year be \$27,698,306, but if she shipped the whole quantity to Liverpool at the through price stated of \$6.58 per ton, this saving annually, at the present ratio of population and production, will amount to \$39,261,505.

Iowa illustrates the costs and savings by the Mississippi River to New Orleans and thence to Liverpool. The present lowest price from Dubuque to Saint Louis, and thence to New Orleans and Liverpool, amounts to \$22 per ton. By the proposed iron carriers the freight between Dubuque and Liverpool, including transshipments, can be carried at a satisfactory and paying rate of \$3.12 per ton. The difference on the whole of their surplus products, which can thus be saved to the people of Iowa, at the present ratio of production and population, would be, yearly, \$45,681,303.

To give all the States separately would take too much space, but as the above ratably represent the West, so may Tennessee, Georgia, and Virginia represent the South.

Tennessee's surplus consists principally of wheat, corn, tobacco, cotton, and wool, all desirable in Europe. Her cheapest route is by the Cumberland, the Tennessee, and the Mississippi Rivers to New Orleans, and thence to Liverpool. The difference between the present rates and those to be obtained by the new iron carriers is \$11.67 per ton, and this saves to the people of Tennessee annually the sum of \$3,676,547.

Georgia.—Until the projected canal connecting the Tennessee River with the Ocmulgee River is made, Georgia, North and South Carolina, and Alabama are more or less subjected to the high rates now existing upon their supplies, and at all times subject to the high rates to Europe which foreign companies establish, and will rule until we shall have our own ocean carriers for competition. These rates now apply nearly the same as for New York. Georgia would save, therefore, by the facilities contemplated on the short supplies which she must obtain from the West, \$318,629, and on her surplus products \$1,041,680, or a total annual saving of \$1,360,309.

Virginia is short in various supplies 37,384 tons, while she has an excess of wheat, corn, and tobacco of 190,002 tons, and upon both her savings will amount, by the new carriers, to \$1,612,293.

Taking the three States of New York, Pennsylvania, and Maryland to represent others which are manufacturing and commercial—

New York is short in subsistence supply: in wheat, 7,002,696 bushels; in corn, 24,253,350 bushels; and in meats, 778,010,319 pounds. On these, the excess of freight which she now pays over what would be paid if proper iron carriers were on the lakes, canals, and rivers, and which would thus be saved in each year, is \$9,881,359.

Pennsylvania would in like manner save on her short supplies \$2,221,625, and on her surplus in shipping freights to Europe, \$4,346,930, or a total annual saving of \$6,568,555.

Maryland is short in certain subsistence supplies 90,608 tons, and has a surplus of others of 202,301 tons for export, and would save in like manner to Pennsylvania annually \$1,712,489.

Taking the three States of Maine, Massachusetts, and Rhode Island to illustrate the savings to the manufacturing States—

Maine is short in her supplies of wheat, corn, oats, meats, &c., 251,258 tons, and has a surplus of other products to the extent of 274,342 tons, and on these combined the savings to her people by these new iron-carriers will be annually \$1,942,224.

Massachusetts has no surplus of any consequence in her agricultural products, but is short in wheat, corn, oats, potatoes, meats, &c., 571,713 tons, and pays an excess on transportation from the West over what she would pay if these iron-carrying facilities were established, of \$4,419,341 annually.

Rhode Island has no surplus, and requires, in wheat, corn, oats, barley, butter, and meats, 80,016 tons, and loses in like manner by excess in freight, and which she could save annually by the proposed new forms of iron carriers, \$618,523, which is equal to an annual tax of \$2.85 upon each man, woman, and child in that State.

These stated results are not deduced from theories; they are not mere estimates, but they are substantial facts. The statement of freight-rates as existing is from published prices of railroad companies and from official reports of boards of exchange. The reduced rates of freight to be obtained are established by the known weights of material in the hulls of the new forms of carriers upon the waters; by the cubic feet the interior of each of these will contain, by the cost of moving each carrier a mile, or any

number of miles. The quantities of agricultural products in each State are from the Report of the Department of Agriculture for 1872. The quantities required for support of the population and support of the live-stock are carefully calculated upon the known quantities of food required for each person and for each lower animal. Therefore, large as the quantities and amounts may appear to minds not accustomed to look at great aggregates, they are not the less true; and it is in their truth, and in the severe experience of its teachings, that the farmers of the West have cause for the united exertions they are now making to secure fair rates of transportation, not only to the sea-board, but thence upon the oceans to foreign markets. How far they are justified in this exertion, and with what gathering strength they will enforce it, may, perhaps, be better understood by the following aggregates of production, consumption, export, and residue of the entire dry crops of the whole United States and Territories, as stated in the official returns of 1872, the population being stated at its known ratio of increase since 1870, and which fixes it at 40,303,337 persons; and the quantity consumed by this population established in the manner previously stated; the quantity of export of each article, taken from the Government returns of exports; the residue, being the quantities which appear as unused or lost to the farming interests of the country, in its individuality, for that year; and the annual average amount probably lost to, or materially reduced in, the national wealth by the neglect of Congress to understand the country's necessities and to legislate properly to relieve them.

Total products of the United States and Territories, for the year 1872, showing the quantities produced, consumed, exported, and remaining over unsold and unused.

Products.	How disposed of.	Bushels.	Unused.
Corn.....	Total product of the year	1,092,719,000	
	Consumed by the population	120,910,011	
	Consumed by live stock	416,822,400	
	Export corn and corn meal	36,036,450	
		573,768,861	
	Leaving from subsistences and export	518,950,139	
	In the internal revenue reports the capacity of the whisky distilleries is given at 730,741 bushels of grain per year, but it is probable illicit distilling triples this, therefore deduct.....	2,192,223	
			516,757,916
Wheat...	Total products of the year.....	249,997,100	
	Consumed by the people.....	100,151,668	
	Exported wheat, flour, and bread, reduced to the equivalent bushels of wheat.....	76,472,193	
		176,623,861	
			73,373,239
Rye	Total product	14,888,600	
	Consumed by the people.....	13,434,412	
	This residue of 1,454,188 bushels was no doubt used for purposes of distillation, though not so accounted for, and therefore is not included in general surplus.		
Oats	Total product	271,747,000	
	Consumed by live stock	207,528,075	
	Exported	262,975	
		207,791,050	
Potatoes.	Total product.....		63,955,950
	Consumed by population	67,172,228	
	Exported	621,537	
		67,793,765	
			45,792,235
Meats. . .	Beef;	Pounds.	
	Beyond live stock for reproduction	6,553,320,000	
	Consumed by population	6,420,558,995	
	Leaving as surplus	134,963,005	
	Total export of all kinds	26,652,094	
			108,310,911
Mutton:	Total amount produced, all of which consumed by population.	625,000,000	
Hog products:	Pork and bacon, total products	4,484,273,334	
	Consumed by population	3,606,023,535	
	Leaving surplus for sale	876,249,799	
	Exported of all products of the hog	503,029,321	
			373,220,478

The total cereal and meat products of the entire country, as shown by the official reports, is here given; the total consumption, and the total exports, as evidenced also by Government official reports; and beyond all these, there is a surplus of 663,811,340

bushels in the aggregate of the varied products. Some of this aggregate doubtless is utilized; if so, there is no data or return anywhere to show it. Special inquiry obtains from farmers and producers only replies that, from season to season, when not burned, it lies over, deteriorating and wasting until all hopes of sale fail. It is then applied to some inferior purpose, or, decayed and rotten, it goes to manure. Scattered over the whole country, on the small and large farms, its enormous aggregate is unknown, till found by the test of recorded facts of product, of export, and the quantity required for the support of the population and live stock. In its united volume it seems too great to be credited; but to discredit it, is to discredit the recorded facts of the Government. Besides these cereal products, there are also 481,531,389 pounds of meats in excess, and whether this be in the living or slaughtered state, is equally a waste. These products, taken at the cash prices given in the official returns of Government as the export values, amount to the vast sum of \$517,935,405 for the year 1872.

Turning from this waste of surplus to the indebtedness of the country, held and accruing abroad, by the interest to be paid thereon—and which could be more than paid by this waste alone, if properly utilized—it is found to be estimated at the following amounts, which, though believed to be in excess of the reality, no reliable data or standard to correct errors in the amounts, if such exist, can be found. These amounts are—

National bonds held in Europe, \$900,000,000; interest at 6 per cent.....	\$54, 000, 000
State, city, town, railroad, and other corporate bonds held in Europe, \$1,500,000,000; interest at 7 per cent.....	105, 000, 000
In addition to these amounts of annual interest, the balance of trade against us, being the difference between our imports of foreign goods and our exports of American products, excluding bullion, and re-exports of foreign goods, is.....	137, 112, 771
And the amount paid to foreign steamships, consisting of freight-money paid in 1872.....	\$106, 158, 371
Passage-money, American first-class passengers.....	10, 792, 320
Passage-money, foreign first-class passengers.....	2, 987, 520
Passage-money from immigrants.....	14, 804, 230
Our proportion of this total amount of.....	134, 742, 441
previous to 1861 was 71 per cent.; now we have none, but really pay all, except the amount paid by the first-class foreign passengers; which deduct, is.....	2, 987, 520
	<hr/> 131, 754, 921

Making a total drain of gold or its equivalent yearly of..... 427, 867, 692 from us, which we fail to provide against in a sensible business way, by regaining our ocean carrying-trade, which would reverse a part of the amount to us, control the remainder, and really more than pay it by exports of the wasting products just before shown.

We have thus the extraordinary spectacle of a country producing everything required to keep it rich and free it from debt; to draw into it increasing wealth from its yearly augmenting surplus products; the existing surpluses to the vast quantity already stated wasting and rotting unused, while hundreds of thousands of its people in one section can find no employment and are starving, when a fractional part of this waste would relieve their distress; and the remainder of this wasting surplus is in demand by other peoples, and would command a money-return equal to the whole amount of gold which is annually required for the trade-balance against us, and for the interest on our indebtedness abroad, if we would provide cheap means, under our own control, by which it could reach their markets.

Looking into this abnormal condition of the country, can any one doubt its cause, or doubt that the cause is the loss of the transatlantic carrying-trade? Or, can any one question the truth of historical facts, proving that the ocean carrying-trade quickens industry and adds to the prosperity of every country which acquires any fair proportion of it, and makes that nation the commercial ruler which holds its complete control?

If the ocean carrying-trade is restored to us by American ships and steamers, these sustained and supplied with our surplus freights by proper means of cheap internal transportation—made certain by iron steam-carriers on the lakes, rivers, and canals—not a bushel, not a pound of our surplus need be lost, not a man or woman of all the thousands now idle need remain unemployed. Not a dollar of the precious metals need be exported to pay debt or interest; for our subsistence products alone will provide the whole amount, and the ocean-freights would then add to our national wealth, instead of, as now, absorbing and diminishing its amount.

To regain the ocean carrying-trade we require ocean steamships superior to those of our competitors. To obtain these we must have a source of supply not only for

steamers but also for better materials adapted to their construction. To sustain these ocean-steamers, steamboats upon the lakes, rivers, and canals, for conveyance of heavy products from the interior to the sea-board, at low rates of freight, are indispensable, and for these also there must be a source of supply. Each class of vessels to be economical must be of iron; to be safe and durable this iron must be homogeneous throughout. To obtain continuously and reliably such iron in unvarying strength at an economical cost, it must, as a specialty, be made at the yards where these vessels are built. By these means the safest and strongest, the most buoyant and economical, freight-carriers can be created. By these carriers the farmers and planters of the West and the South can be relieved from the burden of high freights; their products can reach the sea-board and thence reach foreign markets, to bring returns to the profit of these producers, and to the relief of the country in its general indebtedness, and by these means only can our transatlantic and general ocean carrying-trade be regained and permanently held.

The bill under your consideration provides these absolutely necessary resources for steamers for the Atlantic and other oceans, for the waters of the West, and for the superior iron for continued production of safe iron vessels. It asks for no subsidy, no money aid, no expenditure by the Government. The small consideration, to make a binding contract in securing the entire use of the yards in any exigency to the Government in time of peace—by an advance of interest while the yards are being built, returnable pro rata when completed—may be stricken out, if that advantage is not deemed desirable to the Government.

The measure in its entirety is of national economy, and a practical means of retrenchment in naval expenditure, in addition to its immediate availability in reversing the disastrous condition of our carrying-trade, and its ruinous results as hereinbefore shown. In its present form it is a public measure, giving its benefits to all ship-builders equally. If severed from all connection with the Government, and conducted as a private enterprise, it would be released from its obligation to extend aid to all ship-builders, and could not well fail under such condition to become a monopoly. For these reasons its prompt establishment may be earnestly urged in the present form. If the measure is established by creating these yards, the companies, respectively, will proceed forthwith to build—the one, steamships for a transatlantic line, the other, boats for a line of express steamers upon the Mississippi to New Orleans; for these they ask no subsidy or aid. All that is required are the facilities for building and reliability upon the material. With these reliances, it is certain that other lines will rapidly follow upon all desirable routes.

The President of the United States has, in each of his annual messages, called specially the attention of Congress to the subject of restoring our ship-building and ocean carrying-trade.

The Secretary of the Navy on this subject has said, (see Ex. Doc. No. 50, Senate, 42d Congress, page 2,) "The first step in this direction seems to be the creation of large and commodious building-yards, advantageously situated with reference to the ready and cheap supply of the great bulk of the necessary material, and so arranged as to unite in one establishment all the means and appliances to convert this material through all its necessary processes and applications into ships, under one organized system, single, direct, and harmonious from the inception, involving but one profit to the producer. Such establishments, of course, cannot be produced without some action on the part of Government to encourage the necessary aggregation of capital, and to secure its results to some extent in return for the national enterprise in which it is embarked."

Hereinbefore it has been shown that, beside the vast loss upon wasting products for want of shipment, there was a foreign trade balance against us of \$137,112,771; and that the amount of freight and passage money paid by American interests to foreign steamships was \$131,754,951, making a positive total balance against us of \$268,867,722 in 1872. It was practically a loss of that much gold to the country, retarding specie payments, and a loss of the whole sum to the producing classes, more than half of which was directly paid by the farmers and planters. It will continue a burden upon them, and a drain upon the country of like or larger amount in each year, until these building-yards are established, to create a source of supply of specially strong material, to our ship-builders, for the production of iron steamships for transatlantic service; of iron steamboats for interior transportation; and of iron-framed wooden ships for the general ocean carrying-trade. The carriers will relieve the farmers and planters of their present burdens, caused by high freights, open markets to our manufacturers, revive ship-building, and with it that prosperity which history teaches us ship-building has given to all mechanic industries from periods of remote antiquity to the present time. And they will provide, by reversing the balances of trade, for the only sure foundation upon which the country can resume, and permanently sustain, specie payments.

With great respect, I have the honor to be, your obedient servant,

AMBROSE W. THOMPSON,
President of the International Steamship Company.

Proposals to create iron-ship building yards and docks, by which iron naval and commercial steamers can be built as cheaply in the United States as in Europe; and to establish semi-weekly trans-Atlantic steamers without other subsidy than the postages arising from mail-matter, as now authorized by law.

OFFICE OF THE INTERNATIONAL STEAMSHIP COMPANY,
Washington, March 6, 1871.

SIR: The International Steamship Company, incorporated by the State of New Jersey, and duly organized with full legal powers to carry out the acts hereinafter named, hereby propose to contract with the United States as follows, namely:

The said International Steamship Company will forthwith erect at a suitable place, having deep-water frontage, secured from running ice in winter, an iron-ship building yard, with capacity to construct, build, and equip the largest naval and commercial steamers or sailing-vessels. The said building-yards shall be inclosed, and within the limits shall be not less than three building-docks having capacity to float steamers and sailing-vessels of 10,000 tons. The said docks shall be of the most improved construction, with improved means for inlet and exhaust of water, that vessels of large class may be built therein and floated without the risk of launching. Around and contiguous to the said docks shall be the workshops and machinery suitable and requisite for constructing steam-engines from the largest to the smallest size, for marine and other purposes, as also for fitting, erecting, and putting together the frames, the exterior and interior parts to form the complete hulls of vessels of any and of all kinds to be built within the said docks.

There shall be within the said yard one or more "blasts" or other furnaces of the most improved form for smelting, in which ores of such kinds as the best experience or highest science shall demonstrate can be blended to make iron of the greatest possible firmness and strength, in every respect, from which may be constructed shafts and working parts of engines which shall be reliable against any known strain of weather in using marine engines.

There shall also be furnaces for the blending of ores to form iron plates, slabs, and frames for special purposes of naval and commercial use.

There shall be rolling-mills for making angle-frames, beams, bars, brackets, and other forms necessary to perfect the interior framing and arrangements of the largest iron-clad naval and commercial steam and other vessels.

There shall be rolling-mills capable of making plates of the greatest length and width to which they can be wrought, for the exterior and interior plating of steamers and other vessels.

There shall be one copper rolling-mill capable of producing such special forms of bar, slab, and sheet-copper as are specially required for naval purposes.

The blast-furnaces and other preliminary works to form the iron into pigs and blooms shall be on ground sufficiently elevated, and so arranged as to pass the iron, in its different conditions, on tram-ways, by its own gravitation, to the rolling-mills and steam-hammers, and thence to the workshops and docks, that labor, power, time, and space may be saved, and the greatest economy be arrived at in all construction progressing in said building-yards.

There shall be one or more foundries for casting ordnance from iron made from bleeded ores, lighter in the mass, but superior in strength and force to ordnance now used.

There shall be such other sheds, workshops, and machinery as may be necessary for the creation of iron structures needful to the Government, or for transportation, or other uses.

There shall be within the said yard such workshops for the preparation, putting together, and erecting in place on board ship, such wood ship-carpentry work, joiner's work, masting and spars, rigging, sail, and other work, as shall be requisite to complete and equip, ready for sea, the steamers and vessels to be built in said yard.

The said yards, docks, foundries, sheds, and workshops shall at all times give preference to the work of the Navy Department, and when necessity requires the same to be completed in less time than has been agreed for, by contract or otherwise, such facilities and numbers of men shall be forthwith provided therefrom as said yards can supply, and as the Secretary of the Navy shall deem adequate, and at no additional cost, except for the excess in numbers of men and of material employed and used; and whenever the United States shall be involved in war, the Government thereof shall have absolute right of control to the exclusion of all other than its own work for naval and military purposes.

The International Steamship Company shall, as soon as the workshops, docks, furnaces, and rolling-mills are sufficiently advanced therefor, commence the construction of a fleet of iron steamships, six of which shall be of not less than 3,500 tons, and of superior speed to the steamers now engaged in carrying the mails to Europe. Six more shall be of equal speed to any steamers engaged in transatlantic mail service, and of not less than 3,000 tons.

Two of said steamers shall be ready for service in eighteen months, two more in twenty-four months, and the whole number shall be complete and up in the routes which shall be determined for their service between the said company and the Post-Office Department, in thirty-six months from the approval hereof.

Each steamer owned by the company shall be subject to the use of the Government of the United States, when required by public necessity, upon paying such fair remuneration therefor as shall be fixed by arbitrators mutually chosen, if not first agreed upon by the company and the department of Government requiring such use.

For the erection of the building-yards, docks, and other structures, the International Steamship Company will issue five thousand bonds of \$1,000 each, having twenty years to run, bearing 6 per cent. annual interest, payable semi-annually by gold coupons, the payment of which shall be secured by a mortgage in trust to the Secretary of the Treasury of the United States, and be provided for by a sinking fund to arise from the payment of the said company of 5 per cent. annually upon the amount of work done and paid for in the said yard after the same shall be completed. The said mortgage bonds, as issued, shall be deposited with the Secretary of the Treasury, and, as required for payments in the aforesaid purposes, shall have the following indorsement on each:

"This bond is secured by a mortgage duly executed upon the ship-building yards, piers, docks, workshops, houses, furnaces, rolling-mills, machinery, tools, implements, and lands of the International Steamship Company, and the payment provided by a sinking fund of 5 per cent. upon the work which may be executed and paid for annually in the said yard, out of which said fund the interest is to be paid semi-annually, and the collection and payment thereof is hereby guaranteed by the United States."

The said guarantee shall be signed by the United States Treasurer. The Secretary of the Treasury and the Secretary of the Navy shall act as a "commission" for the delivery of the said bonds, and such amount shall be delivered monthly as the company require and show to be applicable to the payments for and in the said property as it progresses in development in its several parts to completion.

To guard against any advance of money by the United States, and to more rapidly accumulate the sinking fund, there shall be reserved from all payments to be made by the Navy Department, for repairs or work done, 10 per cent., in addition to the 5 per cent. tax before provided, which said amounts shall be deposited in the Treasury of the United States to the credit of the sinking fund of the company until the said sinking fund shall be equal in amount to the amount of the outstanding bonds.

The said commission shall have power to enforce the collection of the money provided for by the 5 per cent. rate upon the annual amount of work done in the yards, and the Secretary of the Navy shall have authority to retain the amount of 10 per cent. upon all work done for the Navy at prices satisfactory therefor, and a refusal on the part of the company to pay the same at the time provided shall be cause, at the discretion of the said commission, to foreclose the mortgage and sell the said property, or to take possession thereof on the part of the United States.

The interest upon the said bonds shall for the first three years be advanced by the United States, but shall be repaid in its whole amount by the said company in equal portions, divided through the remaining term, until the bonds aforesaid are paid and discharged and the company released from all liability under the said mortgage.

The President of the United States shall appoint to the special service of inspection of said building-yards, docks, buildings, and machinery, an officer of the Navy competent therefor, whose duty it shall be to report, monthly, the progress and condition of said works, and to inspect and report upon all steamers intended for ocean mail service, and to report annually to the Secretary of the Navy, to be laid before Congress, such improvements or suggestions therefor in the construction and management of steamers and sailing-vessels as will, in his judgment, tend to increase the commercial marine of the United States.

Respectfully submitted.

AMBROSE W. THOMPSON,
President International Steamship Company.

[Hon. GEORGE M. ROBESON,
Secretary of the Navy.

Explanatory memoranda of the International Steamship Company, relative to the production of iron steamships; cost of iron and of ships; our ability to compete in these with Great Britain: advantages to the Government and the people.

The proposed iron-ship-building yard contemplates the creation of all the facilities necessary to build and equip iron or wooden ships of any size required for naval or commercial purposes.

To economize in cost of material and handling, there will be blast-furnaces for smelting the finer ores, to produce iron of superior tensile and resistive strength; puddling-furnaces for the conversion of pig and scrap metal into blooms; rolling-mills for bar, angle, and plate iron, as also for armor-plates. These several departments of work to

be connected by tram-ways, over which material in its different conditions will be borne by its own gravity, from department to department, until it is in its finished form, and whether of bar, angle, beam, or plate, still borne on in the same manner to the bending or planing machines contiguous to the building-docks, where it will be lifted by the traveling carriages or cranes, and lowered directly to place in the forming vessel laid in exact level in the building-docks.

The building-docks will be constructed parallel to each other, with sufficient space between for the erection of workshops and sheds, under which will be the planing, punching, bending, and other machines to form and finish the material to fit it to special positions. These docks will be of sufficient size in length, breadth, and depth to erect, build, and float out the largest naval ships, iron-clads, and commercial steamers. By these facilities the following results can be obtained:

1st. Iron of superior quality to any made or used in Great Britain in the construction of steamships and steam machinery. This will be reached by the blending of certain ores, which can be obtained plentifully, and be borne by water cheaply to the location of the building-yard. These blended ores will produce iron of from 75,000 to 85,000 pounds tensile strength, while the best iron used in Great Britain, made from native ore, is only 45,000 pounds tensile strength to (in each case) the square inch; and for resistive strength the blending of other ores, the product of Pennsylvania, an iron can be produced in like manner of upward of fifty per cent. resistance greater than that of Great Britain.

2d. Greater economy of cost in material and in ship construction. In material, as now worked, pig-metal is made at the special locality of the ores or coal. It is then sold at a profit, (and a large one,) subjected to transportation to the puddling furnaces, where it is converted into blooms; again disposed of at a profit upon cost of pig and of puddling labor; again sold and transported to the "bar" or "plate" rolling-mills; again sold at a profit upon cost and labor, to the ship-builder. In reaching the latter its cost to him has been increased by these distinct freights upon the entire mass, and by five different profits, and through this has obtained a value or cost so much in excess of that which the foreign builder pays that he has up to this time had the entire advantage, and to so great an extent as to render competition seemingly almost impossible. When closely investigated this seeming impossibility disappears. This may be shown by the following:

The net average cost of pig-iron to the producer of the best quality in Great Britain is about \$14 to the ton. The cost to ship-builders for bar, angle, and plate iron is, on an average, about \$45 per ton, being an advance of cost upon the pig for conversion of that into this bar, angle, and plate of about 220 per cent. The net average cost to the producer of the best pig in this country is about \$17 per ton, and the average value or price to the ship-builder for bar, angle, or plate has been about \$80 per ton, which is an advance of about 370 per cent. upon the net cost of the pig. This difference of 150 per cent. upon cost of converting pig into the forms of iron named between Great Britain and here is due to the causes already pointed out, viz: transportation from place to place to be progressively advanced to the required condition, and the *rates of profit added* upon respective costs of each state.

By concentrating the several processes into one locality, as contemplated, this difference of 150 per cent. will disappear; and if we assume that pig-iron will continue to cost \$17 per ton, and add the same rate of advance for its conversion as shown for England, gained to us by the facilities named, we have a cost for the bar, angle, and plate of \$54.40 instead of the present average of \$80 per ton. It is believed the pig cost can be reduced to about \$15 per ton; but allowing the \$17 and this rate of advance, we are then but 21 per cent. higher in the cost of our iron than in the cost of iron in Great Britain. But there is a marked difference in the articles. The iron thus produced here bears a tensile strain of 75,000 to 85,000 pounds to the square inch, while that of Great Britain will bear but 45,000 pounds tensile strain to the square inch. We have thus an iron of from 75 to 80 per cent. greater strength on an average. This will permit of a reduction of one-third in the weight of iron used in the ship, and leave the ship 17 per cent. stronger than if made of the usual weight of British iron. This more than equalizes the cost of material, giving us actually an advantage of \$6.67 per ton less cost in the material of the ship than in England. This aids greatly in equalizing the cost of labor in construction, and largely increases the *earning power* of our ships by their ability to carry one-third more *dead weight* of freight.

In construction, an iron ship, to be durable and perfect for sea purposes, should be an inflexible, unyielding mass. If not, the yielding or working portion loosens the butts and seams, and the continued working cuts the rivets as effectually as if shears were applied. If this cutting occurs at or near a butt, the plate will start, rendering the loss of the vessel nearly inevitable if distant from port. The inflexibility required is readily obtained by good material and workmanship, but is peculiarly liable to be lost by a strain in launching, from defective launching "ways" or "slips," from being checked thereon.

Abroad great efforts have been made to guard against disaster from these causes by constructing the most solid "building-slips." These are formed by driving piles, which

reach to the solid earth-bed or rock, from the inland initial point of the building the entire distance into the water, until the vessel, as launched, is water-borne. On the top of these piles cut-stone is laid solidly up to the under side of the launching-ways. These slips are so costly that not one has yet been constructed in this country, nor is it desirable that any should be, for reasons which will directly appear.

Upon the best constructed slips there are two intervals of time when the rigid mass of the vessel in launching meets the danger of destructive strain. The first is at the moment the stern or launching end quits the support of the launching "slips" or "ways," before it is borne up by its own buoyancy in the water. In this case the strain is felt nearly midway in length, and for about one-third downward of the depth. There is probably not *one instance* in which an iron ship has not, in launching, from *this strain* parted some, and often many, of the midship transverse line of rivets.

The second is at the moment when the stern bearings take the water and *lift* the slip, or *that portion* of her, from the ways, leaving her center *unsupported*, except by the longitudinal strength of the vessel, the whole weight being borne by the bow part yet on the ways, and the buoyancy of the stern part supported by the water. There are known instances of losses of iron ships traceable directly to strains of this kind. One occurred only last spring, when a nearly new steamer, of about 2,300 tons, broke in two while entering the river Mersey, and sunk in deep water, almost within sight of Liverpool. Another, a passenger-steamer, plying between London and a northern port of Great Britain, while steaming on her route, broke almost in her center, each end sinking immediately. Although wooden vessels, from the greater elasticity of material, are not so subject to these accidents in launching, they are by no means free from them. In the launching of the United States war-steamer Roanoke an accident of this character occurred, by which she was so much damaged that it cost \$30,000 for repairs, which did not and could not give the original strength. Ship-builders consider the risk and cost of launching as equal to five per cent. upon the value of the ship.

To test whether an iron ship could be so built and floated as effectually to guard against breaking rivets or loosening seams, the British admiralty caused an iron armor-clad ship, the Achilles, of 6,079 tons, 380 feet long on the water-line, 400 feet long over all, to be built in one of the dry-docks of the Chatham navy-yard. This vessel was completed in 1863, the water was let in, the vessel floated from her bearings without any strain whatever, and when I made inquiry in 1866, had not, as I was informed, ever leaked "a perceptible drop of water."

This dry-dock was converted into a "building-dock;" along the lines on each of its sides, and parallel thereto, rail-tracks were laid down, upon which two steam-carriages on each side were placed, with a steam-engine, boiler, and crane to each. These carriages move up and down the tracks, taking up and carrying to their proper places and holding in exact position till secured the heaviest frames, beams, plates, or armor, in the most rapid and easy manner, vastly abbreviating the time and labor required for such work when carried on with the usual appliances.

To make clear the advantages of building in docks it will be necessary to refer for a moment to the position of the vessel while being built. On the "building-slips" it is necessary that the keel should be laid at an angle of about one in twelve, to gain the gravity movement or launching "way." In a ship of the length of some of those recently built (the Italy and others) of 420 feet, this requires the shore or bow end of the keel to be elevated 35 feet above the level of the stern. As these vessels average 30 feet in depth, it is seen that lifting or hoisting is required for every heavy article entering into construction of from 30 to 65 feet, and that great delay and labor are caused in adjusting to angles to cause the uprights to be true verticals to the keel.

It will be seen that building in docks gives the following advantages:

1st. The ship lies on an even keel, and all the work can be fitted and arranged rapidly by plumb-lines.

2d. There is no strain in launching, as the vessel is lifted from the building-supports by letting the water into the docks.

3d. The superintendent or foreman can, from the sides or upper edges of the dock, have all the workmen, both within and without the vessel, before the decks are laid, under their eyes, thus preventing loitering or dilatoriness in the work.

4th. No material is required to be raised to great heights and remain suspended till angles are adjusted, all being simply lowered and instantly adjusted by levels and perpendiculars.

5th. An admitted saving of 15 per cent. in cost of labor and time of construction.

The British admiralty have no "building-docks" especially constructed as such, but several dry or "graving" docks have been adapted to the purpose. Laird's "Birkenhead Works," opposite Liverpool, has one, but it is too small for the construction of the large steamers just come into use, and with which we must compete for trade and commerce. All the other building-yards of Great Britain still use only the solid building-slips already described.

It follows from these facts that if we commence the building of iron ships with facilities in advance of Europe, and with better material, that we shall very soon regain our commerce. By such facilities we can now fairly compete with the builders of

Scotland or England, as may be shown by the following comparison of ships of equal capacity. Estimating the cost of the English ship at the exact prices paid at this time for the best work in sterling money, allowing the present rate of exchange, or paying for the same at the gold rate—say five dollars to the pound sterling in England—for an English steamer of 3,000 tons, and estimating for the same size vessel built of the best American iron, made from blended ores yielding a metal of 75,000 to 85,000 pounds tensile strength to the square inch, giving such weight of said iron as will build a steamer 17 per cent. stronger than the British iron of 45,000 pounds tensile strength to the square inch, it will require 1,792 pounds to the ton measurement for the hull of the ship; of the American iron of 75,000 pounds to the square inch, it will require 1,195 pounds to the ton measurement.

English ship of 3,000 tons:	
1,792 pounds iron to ton, at £9 per ton	\$108,000
Labor on ship, £4 10s. per ton	67,500
Carpenters, joiners, and spars, £4 15s. per ton	71,250
Standing and running rigging 10s. 6d. per ton	3,860
Sails, 6s. 6d. per ton	4,860
Paints and painting, 8s. 6d. per ton	6,360
For hull, spars, and rigging complete	261,830
Engines and boilers, 600 horse-power, at £50 per horse-power	210,000
English ship	471,830

American ship of 3,000 tons:	
1,195 pounds iron to ton, at \$54.40 per ton	\$87,040
Labor if built on slips, \$33.75 per ton, is, for 3,000 tons, \$101,250; less if built in docks, as proposed, 15 per cent., \$15,187	86,063
Carpentry, joinery, and spar-work, the labor and wood being equal, and the wood being one-third less here equalizes the cost with the English	71,250
Standing and running rigging	4,825
Sails	6,075
Painting	8,480

For hull, spars, and rigging complete	263,733
Engines and boilers can be produced here at same rate, allowing for superior iron, as in England	210,000
American ship	473,733

The cost of the American ship, built of superior iron, made properly, and built in dock, exceeds the English by	\$2,103
If built on launching-slips, it would exceed the cost by	17,290
If built of iron, common American, but equal to English iron, it would exceed the English cost by	147,850

This shows that, with building-docks and the facilities duly arranged as named in the proposals of the International Steamship Company, we can produce iron steamships of quality superior by 17 per cent. in strength to those of Great Britain, and capable of carrying one-third more of dead weight in cargo than can the English of the same tonnage.

No fact can speak stronger than this as to our ability to regain the lost American commerce, or that, by firmly establishing such facilities, the United States will become the possessor of the carrying trade upon the ocean.

Nor can there be a stronger evidence of the ability of its Government to place in service the most efficient navy of the world at a less cost of construction, and to maintain it at a lower rate of repair than any other maritime nation.

The advantages, the profits, the permanent prosperity which can be secured by the demonstration, the actual production of such a building-yard, cannot well be estimated in positive or even approximate value; but the saving to the Navy Department can be very clearly shown in the single item of repairs.

Taking the last two years, it is shown by the annual reports of the Navy Department that for—

1869, the repairs of naval vessels cost	\$6,975,000
1870, the repairs cost	3,925,000
Making in the two years	10,900,000
Tools and steam-machinery to effect these repairs have been for 1869 the sum of \$1,405,200; and for 1870, \$1,715,000	3,120,200
Making in all for repairs in two years	14,020,200

With the building-yard subject to the control of the Navy, the whole of these repairs could be made more expeditiously at one-half the expenditure, and without any expenditure whatever for tools and steam-machinery; but to be entirely safe in such an estimate, and allowing for contingencies, say that the average shall be but one-third on repairs and on machinery. This alone would give an *annual average saving* to the Navy Department of \$2,336,667.

Under the following conditions named in the proposal, the Navy Department will have as much actual and more *effective* control over repairs than if they were being done in the navy-yards:

"The said yard and docks shall at all times give preference to the work of the Navy Department, and when necessity requires the same to be completed in less time than has been agreed for by contract or otherwise, such facilities and numbers of men shall be forthwith provided therefrom as said yard can supply and as the Secretary of the Navy shall deem adequate, and at no additional cost, except for the excess in numbers of men and of material employed and used; and whenever the United States shall be involved in war, the Government thereof shall have absolute right of control to the exclusion of all other than its own work for naval and military purposes."

AMBROSE W. THOMPSON,

President of the International Steamship Company.

OCEAN IRON STEAMSHIPS,

Specially adapted to carrying passengers and grain, having great speed, superior accommodation, the holds divided into grain-tanks, and mechanically ventilated.

Ships to be 450 feet long, 60 feet wide, 30 feet deep from main deck, spar-deck 8 feet above.

Weight of metal in the ships, including masts, spars, and rigging, all of iron,

	Tons.
7,927,494 pounds, or.....	3,539
Coals on board	1,500
Total weight.....	5,039

Draws with this weight 11 feet 4 inches, as light draught. For each additional foot of draught, the ship will carry 21,097 bushels wheat, or 566 tons in fresh water, and 21,733 bushels of wheat, or 582 tons (dead weight,) in salt water. At a draught of 21 feet 4 inches, the ships will therefore carry 217,333 bushels of wheat.

Cost of management of ship and steaming for one month:

Sailing department.

Captain per month	\$500
First mate per month.....	200
Second mate per month.....	100
Third mate per month.....	75
Fourth mate per month.....	60
Thirty seamen, at \$30 per month.....	900
Two cooks, at \$100 each.....	200
One steward.....	200
Four assistants, at \$50.....	200
Thirty waiters, at \$25	750
	3,185

Engineer Department.

Chief engineer.....	\$200
Second chief engineer.....	150
Third chief engineer.....	100
Fourth chief engineer.....	75
Thirty firemen, at \$30.....	900
Twenty coal-passers, at \$30.....	600
	2,025
Sailing department.....	3,185
	\$5,210
Coal, 75 tons per day, 30 days' steaming, at \$5 per ton.....	11,250
Incidental expenses, engineer's stores, oil, &c.....	3,000
Subsistence of 120 men 30 days, at 40 cents each.....	1,512
Insurance per month	5,000
Total expenses per month.....	25,972

Or say, to cover all expenses, incidental or contingent, not provided for, allow \$30,000, equal to \$5 per mile. The voyage and lay-days between New York and Liverpool to occupy one month.

Distance, New York to Liverpool, 3,100 miles, costs.....	\$15,500 00
Distance, Norfolk to Liverpool, 3,264 miles, costs.....	16,300 00
Distance, New Orleans to Liverpool, 4,750 miles, costs.....	23,750 00
217,333½ bushels wheat or corn, New York to Liverpool, at 10 cents per bushel, is.....	21,733 33
217,333½ bushels wheat or corn, Norfolk to Liverpool, at 12 cents per bushel, is.....	26,080 00
217,333½ bushels wheat or corn, New Orleans to Liverpool, at 15 cents per bushel, is.....	32,600 00

Thus showing that, by properly adapted ships, grain can be carried at about one-third the price of the present time as fixed by foreign monopolies, and still leave as large a margin of profit as could reasonably be expected, and which low rate would more than quadruple our exports.

RIVER-STEAMERS.

For carrying agricultural and planting products. These steamers, as also canal-boats for similar purposes, to be built of iron throughout, including their cabin structure and permanent furniture.

Length of river grain-carrying boat 350 feet, width 50 feet, depth 10 feet. To be driven by compound condensing engines and twin screws. Speed in still water, fourteen miles.

Inside capacity for tonnage, by measurement, (25 feet off length for engines,) leaves 35 feet long by 49.5 wide, 10 feet deep; less for sharpness one-fourth, leaves actual 120,653 cubic feet.

The bushel of wheat is 1.24 cubic feet. There is, therefore, stowage room for 97,300 bushels. Each bushel weighs sixty pounds. This gives total weight of cargo as 5,838,000 pounds.

Weight required to sink the vessel one inch is 68,359 pounds.

Total weight of the boat and machinery is 787,500 pounds. Its displacement (light) is.....	11.51 inches.
Weight of crew, 19, including officers and men, is.....	2,850 pounds.
Water and provisions, five days, is.....	500 pounds.
Coal is for five days.....	540,000 pounds.

Making in all.....	543,350 pounds=	7.95 inches.
Weight of 97,300 bushels wheat is.....	5,838,000 pounds=	85.41 inches.

Total weight..... 104.87 inches.

Making the draught, loaded, 8.74 or 8¾ feet.

The boat will carry 1,139 bushels of wheat for each inch of draught, so that if there is but 6 feet of water, equal to 72 inches, in the channel, there would be for boat and outfit 19.46 inches, leaving 52.54 inches for displacement by cargo, which would be equal to 59,559 bushels. This adds to the cost 63 per cent.

Cost of transportation.

Cost of boat, \$33,300. Interest (7 per cent.) is.....	\$5,831 00
Wear and tear (5 per cent.) is.....	4,165 00
Forty-eight trips, or twenty-four complete voyages per year.....	9,996 00
Makes for each complete voyage.....	\$416 50
The voyage will occupy 4 days down, 5 days up. There is, therefore, 216 hours steaming. At 2½ tons per hour is 540 tons; allow 20 tons wastage in getting up and drawing fires is 560 tons, at \$4 per ton.....	2,240 00

Wages.

Captain, per month.....	\$150 00
Matc, per month.....	100 00
Clerk, per month.....	100 00
Engineer, per month.....	100 00
Four assistants.....	200 00
Four firemen, \$60.....	240 00
Four deck hands, \$50.....	200 00

One cook	\$50 00
One steward	50 00
One waiter	30 00
Total	1, 270 00
One-half of this per voyage is	\$635 00
Provisions, 50 cents per day per head, is	120 00
Engine stores, oil, tallow, packing, &c	17 00
Total cost per voyage is	3, 428 50

Assuming that the boat will have sufficient upward freight to pay her return expenses, only one-half the total cost of voyage should be charged to downward trip, say \$1,714.

This makes the cost per bushel on wheat or corn *one cent and seventy-seven one-hundredths of a cent*. To this net cost 25 per cent. should be added for risk and profit. This gives the carrying price 2½ cents per bushel for the whole distance from Saint Louis to New Orleans by a single boat. This low price may be still further diminished by adding to this same boat ten barges as a tow, the steamer having power sufficient for that purpose.

Each of these barges to be 200 feet long, 40 feet wide, 8 feet deep. Each will carry 45,161 bushels wheat, or, for the ten, 451,610 bushels to be added to the steamer's cargo of 97,300 bushels, making an aggregate of 548,910 bushels.

The cost of moving these ten additional barges with the steamer will be—Steamer's cost, \$3,428; barges—cost of each, \$37,000, or for the whole, \$376,000. Interest on this (7 per cent.) is \$26,320 00
Wear and tear, 5 per cent. per annum 18,800 00

Per year for interest and wear and tear is	45, 120 00
And amounts per voyage to	\$1, 880 00
Four men to each barge: average, \$40 each, is \$160 per month, or for the ten barges is	1, 600 00
Subsistence for 40 men per month is 50 cents per day	600 00
Coal for added load doubled	2, 240 00
Cost of steamer as before given	3, 428 00

Cost per month is	9, 748 00
Two voyages per month is the half	4, 874 00

It is not probable that so large a tonnage capacity could meet its upward trip by any large or scarcely appreciable amount of freight; hence, it is safer to put this whole cost upon the downward cargo, and it makes, with one-fourth added for profit and risk, the freight on each bushel of corn or wheat amount to 1.11 of a cent per bushel, or equal to 37 cents per ton for carrying, exclusive of cost of loading and discharging.

[Senate report No. 179, 42d Congress, 2d session.]

MAY 9, 1872.—Ordered to be printed.

Mr. CRAGIN submitted the following report, to accompany bill S. 1098:

The committee, to whom was referred the letter of the Secretary of the Navy, recommending the proposals of the International Steamship Company for creating dock and building yards; the resolution of the Merchants' Exchange, of Saint Louis, in favor thereof, and petitioning for a like yard in the West; the memorial of the Board of Trade of Baton Rouge, and the petitions of citizens of Memphis, and other cities, and citizens of the Valley of the Mississippi, for the same object; and the proposals of the Western Iron Ship and Boat Building Company, having had the same under consideration, beg leave to make the following report:

That the proposal of the International Steamship Company, a corporation duly organized, is to erect at a place satisfactory to the Government a building-yard for the creation of iron steamships and other vessels, which shall embrace all the facilities for converting ores into iron, and the iron into ships, complete, and ready for service.

This involves the creation of blast and refining furnaces, of rolling-mills, and the varied and costly machinery necessary for the construction of hulls, engines, spars, rigging, furniture, and permanent marine outfitting of vessels, of docks in which steamers of the largest class, including iron-clads, can be built and floated out without incurring risks of accidents in launching, which have constituted the chief sources of disaster when in service upon the ocean.

Descriptions, drawings, plans, and details of these works, the evident results of practical experience, have been exhibited to the committee, evidencing system and economy in arrangement, and the means by which the ore, flux, and coal will be converted into refined or wrought iron, in the forms of bars, beams, or plates before the smelting heat has been lost from the metal; and that this iron will be passed on train-wheels from shop to shop in its treatment under different machines, until in its shaped form for each specific purpose it reaches the building-dock to be lowered to place in the ship with less manual labor than is now required to convert pig-iron into wrought iron.

Of national importance are further improvements controlled by this company in treating iron, by which it is believed greater tensile and resistive strength than has yet been commercially obtained will be secured for the framings and platings of vessels, and which will give to those constructed of this American iron superiority for naval or commercial purposes over those made of any known foreign iron now used for such purposes.

These improvements in metals, it is claimed, will extend also to the creation of ordnance in foundries in the yard, which will yield to the War and Navy Departments heavy guns of greater strength and efficiency, at less expenditure than has hitherto been required for their production.

Securing such advantages for the country would seem to justify Congress in an appropriation to the International Steamship Company of a large sum of money to give them full effect in these yards, docks, and metallurgic facilities, all of which are necessary for the recovery of our commercial and naval strength. But the company ask no such moneyed aid. Composed, as we believe it to be, of men of financial strength, of commercial experience, of business and scientific ability, it does not come before Congress with speculative plans, but with those of a practical character, and the same remarks apply equally to the men who compose the Western Iron-Ship and Boat-Building Company, hereinafter to be further referred to, and who adopt the plan and terms of proposal of the International Steamship Company.

The proposal is to apply the financial principles to these objects which have been successfully tested in the creation of nearly all the railroads of the United States; that is, on a basis of property mortgaged to secure a deferred payment, to be met from the earnings legitimately made and applied therefor. Desirous of securing the highest credit, it is proposed the Government shall become the trustee, the mortgages to be executed to it, the bonds as issued to be deposited in the Government Treasury, none of which bonds are to be drawn therefrom until an inspector, to be appointed by the President of the United States, shall certify that property has been created to represent their value. A sinking-fund, to be formed by an assessment of 5 per cent. upon the gross earnings of the yards, and this assessment to be collected and paid into the United States Treasury, to meet the interest of 6 per cent. upon, and the final payment of, the bonds. As the bonds are drawn out the United States Treasurer is to certify upon each that the collection and payment of the sinking-fund is guaranteed by the Government. While this will become a virtual guarantee of the bonds, it would seem that it is without positive risk, as the whole property to be created for these purposes is to be mortgaged as security for the fulfillment of the obligations. The issue of the bonds of the international company for the docks, building-yards, and appurtenances is limited to five millions of dollars.

No conditions are made that the Government shall give its work to these yards; but it is proposed, if its work be given at fair value, that 10 per cent. shall be reserved therefrom, to be placed also in the sinking-fund, the sooner to liquidate the bonds, which the company believe will be accomplished in less than half their term of twenty years.

Conditions of great advantage to the Government are, that in any exigency the whole force of the yards shall be at the disposal of the United States, and that in time of war absolute control shall be held of the yards by Government, if required.

It is proposed to add a provision that to aid ship-builders throughout the country these yards shall supply them with any portions of heavy iron-work or machinery required either for vessels of iron or wood, at 5 per cent. upon cost; it being known that 5 per cent. is not more than an average commission for mere superintendence of such work; this provision will enable builders to take contracts for ships or steamers of wood or iron on the most favorable terms. Through this provision Government can aid in promoting iron as well as wooden-ship building throughout its ocean-ports, as well as upon its rivers and lakes, in a less costly manner than that adopted by Great Britain.

England, with her great naval yards at Portsmouth, Devonport, Keyham, Chatham,

&c., some capable of employing within their walls 12,000 men, has found it for her interest to resort, for a portion of her naval work, to private iron-ship yards on the Thames, the Mersey, the Tyne, and the Clyde.

France, with her vast yard at Cherbourg, costing upward of \$60,000,000, and four other great government yards, has, for similar reasons, frequently resorted to the private yards at Bordeaux, Nantes, La Seyne, and Havre, La Crousot, Basse Indré, the Indret factory, the works of Mazeline, Nillus, Armand, &c.; and the minister of marine can control the use of all these at a day's notice.

It is thus seen that while prominent maritime nations are fostering iron-ship building, we, with superior mineral resources for such a purpose, have thus far been neglectful of their use, to the injury of our commerce, to nearly the extinction of our ship-builders and seamen, and to the almost ruin of other mechanic arts; and by this neglect permitting England, France, and Germany to impose commercial taxes, in the form of high freights, upon the products of our agriculturists and other industries.

The proposals to create these iron-ship yards on a basis which will develop like yards along our coasts and interior waters, is a practical movement to aid the Navy and to secure the restoration of our commerce.

The Secretary of the Navy, in his letter transmitting the proposals, says:

"One such building-yard operating successfully, with large facilities concentrated, and its work economized in each department, would demonstrate our ability to compete successfully in iron-ship building with our commercial rivals, and afford at once practical encouragement to the revival of ship-building throughout the country, and thence to the re-establishment of commerce.

"It being evident that the cost of creating such an establishment, with all the necessary appliances, including costly docks of sufficient capacity for large iron-clads and commercial steamers, will require more capital than can be, at this time, aggregated at the command of individual builders, and that this can only be obtained by an association of capital upon a well-formed and secure financial basis—the plan proposed by the International Steamship Company."

In the report to the Senate upon the means of restoring commerce, and creating steamships suited to the wants of Government in time of war, the honorable Secretary says:

"Our first endeavor, then, should be to stimulate the building, in our own waters, by our own workmen, of the ships which are necessary to establish our commerce, but which a wise policy forbids us to procure abroad. To this end we must first of all determine upon and provide the means of accomplishing this as cheaply as possible. The first step in this direction seems to be the creation of large and commodious building-yards, advantageously situated with reference to the ready and cheap supply of the great bulk of the necessary material, and so arranged as to unite in one establishment all the means and appliances required to convert this material, through all its necessary processes and applications, into ships, under one organized system, single, direct, and harmonious from the inception, and involving but one profit to the producer. Such establishments, of course, cannot be produced without some action on the part of the Government to encourage the necessary aggregation of capital, and to secure its results to some extent, in return for the national enterprise in which it is embarked."

It has been estimated by high official authority that building-yards, established with such practical facilities as the proposed, could be made to save not less than one-fourth of the naval appropriation annually for construction and repair of ships and machinery.

The proposals of the Western Iron-Ship and Boat-Building Company, before referred to, are to erect similar works, but of smaller capacity, upon one of the western rivers, at a point satisfactory to the Government, on the same terms as proposed by the International Steamship Company, but limiting their issue of bonds to \$3,000,000.

Upon the occurrence of a war such works might, and probably would, be of great utility to the Government, if the location should be at such point as to secure depth of water for reaching the Gulf at proper periods. Apart from this, a yard so established to aid other yards in the manner already stated, will prove advantageous to the producing regions of the West, by providing for construction of steamships for southern coasting-trade, and for iron steamboats and barges of light draught, by which the agricultural and other products may cheaply and safely reach points near to or of ocean shipment.

It has been shown to the committee, by drawings and plans clearly set forth, that such steamers may be constructed of iron throughout, including their entire upper works, cabins, and permanent furniture; that they may be propelled by low-pressure engines, with every possible security against disasters of explosion, of fire, and of sinking. These disasters, though not so frequent or appalling as in former years, have still their horrors of suffering and death; their injurious effects upon the interior enterprise of the country, which the Government, in its obligation to national development and life-protection, is bound to avert, if possible.

The average number of steamboats upon our western waters which flow into the Gulf of Mexico, as shown by the collated statistics of the Treasury Department for the last

four years, has been 1,038 steamers, aggregating 297,712 tons; and in the same time there has been destruction in boats, cargoes, and lives to the following extent:

By fire, 88 boats and cargoes, valued at.....	\$3, 421, 200, and 455 lives.
By explosion, 25 boats and cargoes, valued at.....	229, 500, and 218 lives.
By sinking, 165 boats and cargoes, valued at.....	2, 157, 150, and 29 lives.

A total of 278 boats and property, valued at..... 5, 807, 850, and 702 lives.

by casualties, which properly built iron boats of the description proposed would have saved or lessened, and the construction of which will almost certainly guard from future disaster. Such destruction of property, to say nothing of life, may be regarded as a national misfortune, as its preservation would have been not only so much national wealth, but the means of still greater increase of material prosperity.

The creation of these building-yards is a pressing necessity to the prosperity of the country. They will not only give employment to all classes of mechanics and laborers, but will be reproductive for continuance of such employment by creating means of cheap transportation on rivers and oceans for the development of interior and exterior commerce, to open markets for our agricultural, manufacturing, and mechanical products throughout the world.

In the workshops of such yards will be educated and trained men of practical skill, to make steam transportation safe and to afford to our Navy an ample source of recruitment for its corps of naval engineers.

Impressed with the great advantages which these proposals, in their practical form, afford to restore our commerce; for the benefits they open to the mechanical and other industries of the country; for the means of economy and sure reliance to the Navy in peace for preservation, or, in the event of war, for the creation of naval strength; and further impressed by the clear, exact, and business plan to save waste in finance, while it guards against probability of loss to the Government, the committee report herewith a bill in accordance with the proposals, creating in said bill a commission composed of the Secretaries of the Navy, of War, and of the Treasury, a majority of whom may act at any time to guard the interest of Government in all the details of the contract, and recommend the passage of the said bill.

OFFICE OF THE ADMIRAL,
Washington, D. C., March 18, 1872.

MY DEAR SIR: In the discussions which are now agitating Congress and the country, the opinions of practical men are worth something, and the matter of building our own steamships and recovering our commercial prestige is one to which I have devoted myself for upward of five years, and on which I claim to be pretty well posted.

As you are aware, I can have no personal interest in commercial enterprise. My feelings on the subject are altogether of a national character. I long once more to see my country released from the thralldom of British influence. I do not wish the nation that drove our commerce from the sea to benefit by our legislative acts, or the suicidal policy on our part of admitting free ships, the work of British builders. Such a policy would be in direct opposition to all our traditions and laws since the first establishment of our independence, and would break down those protective barriers which once made our commerce not inferior to that of Great Britain.

The decadence of our shipping interest is very properly laid to the operations of the Anglo-rebel privateers fitted out during the war, but another reason may be found in the want of proper legislation on the part of Congress, owing to the persistent misrepresentations made to them by British emissaries who besiege the halls of the Capitol and so importune members that the latter know not what to believe.

There is scarcely an article that has appeared on the subject of resuscitating our commerce that I have not attentively read, but the plan that has most attracted my attention is that of the International Steamship Company. I will not pretend to recapitulate the advantages proposed by the above-named organization, for if you have read their proposals you are as well posted on the subject as I am, and capable of drawing your own inferences. I will, however, take this opportunity to say that, beside the advantages that this company will confer on the mercantile marine, it will be a great accession of power to our Navy, which, in regard to its adjuncts of yards, docks, and building facilities, is very, very weak for the purposes of war.

Such a building-yard as the one proposed by the company would afford the Navy greater facilities than all the navy-yards we possess could furnish, and I have no doubt, if used according to the necessities of the Navy, it would diminish our expenses \$4,000,000 per annum, for such an establishment could afford to build and repair vessels at about one-half the cost to which we are now subjected.

We have at present fifty iron vessels which could be made very serviceable for har-

bor defense by putting on instantaneous repairs, and at the yard of the International Steamship Company every one of these vessels could be put in order in three months, instead of a year and a half, the shortest time at which they could be prepared at our present navy-yard.

These are facts worth more than all the free-trade arguments in the world, which go to the support of the British laboring classes and of the men who helped to destroy our commerce.

I hope you and the members of the Naval Committee will take a broad national stand on this important matter, and consider that in advocating American interests you are doing the best thing to build up our Navy.

In all future legislation it should be provided that the Navy should have the most ample use of the works of the International Steamship Company, and in case of an emergency should monopolize them entirely, and these provisions should be incorporated in the naval laws.

Very respectfully, your obedient servant,

DAVID D. PORTER,
Admiral.

Hon. A. H. CRAGIN,
Chairman Naval Committee United States Senate.



OLIVER LUMPHREY.

APRIL 3, 1874.—Ordered to be printed.

Mr. P. M. B. YOUNG, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2067.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2067) to restore Oliver Lumphrey, late second lieutenant Forty-third United States Infantry Veteran Reserve Corps, to his former rank in the Army, and to place him on the retired list, having had the same under consideration, make the following report :

The committee find that the record of said officer is exceedingly bad and disreputable, and his retention in the Army is not desirable on any account. The committee call the attention of the House to the accompanying papers and documents from the War Department, and recommend that the bill do lie upon the table.

C

KERRY SULLIVAN.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. PIERCE M. B. YOUNG, from the Committee on Military Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 491.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 491) for the relief of Kerry Sullivan, respectfully report :

That the said Kerry Sullivan was commissioned a second lieutenant of Company H, Fourteenth Regiment New Hampshire Volunteers, (infantry,) by the governor of New Hampshire, on the 24th of September, 1864, and that he was ordered to join his regiment to be mustered as second lieutenant. On arriving at Harper's Ferry he was detained and ordered on duty, as an officer, by Major-General Sullivan, then commanding that post. That after arriving at his regiment, and before he could be mustered, the battle of Cedar Creek was fought, in which he was captured by the enemy, and retained in prison from October 19, 1864, until February 22, 1865; and that, when he returned to his company, there were not a sufficient number of men present to allow his being mustered under the law. There is no record in the War Department showing that he ever served as an officer in his own regiment; but the committee find that Kerry Sullivan did serve and perform the duties of second lieutenant under the orders of Brevet Major-General Grover, from the 5th of May, 1865, until his discharge on the 8th of July, 1865, and therefore recommend the passage of the bill under consideration, with modifications therein specified.

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H. P. INGRAM AND JOHN K. ASKINS.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. PIERCE M. B. YOUNG, from the Committee on Military Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 2788.]

The Committee on Military Affairs of the House of Representatives, to which was referred the petition of H. P. Ingram, captain Company B, Sixty-second Illinois Infantry, and John K. Askins, second lieutenant Company B, Sixty-second Illinois Infantry, for pay from the 15th day of January, 1862, to the 10th day of April, 1862, make the following report :

The committee find that the above-named officers entered the service of the United States at Camp Dubois, Illinois, and performed the duties of their respective offices, in the Sixty-second Regiment Illinois Infantry, until the entry of that regiment into the field, and up to the time of their discharge. On or about the 25th of February, 1862, about one month after the entry of this regiment into the service, and before it was regularly mustered by the mustering-officer, an order was received from the Acting Secretary of War to transfer enough men from this regiment to the Fifty-fourth Regiment of that State in order that the Fifty-fourth might immediately take the field. (See order Secretary of War.) This order was enforced, which took ten men from Company B, Sixty-second Regiment, depriving that company of the number required for a muster. It is shown by the record that Company B, Sixty-second Regiment, had eighty men ready for duty, and might have entered and been regularly mustered had it not been for the execution of the order of the Secretary of War. It also appears that the said H. P. Ingram and John K. Askins were commissioned by the governor of Illinois on the 15th of January, 1862. In consideration of the foregoing facts, the committee recommend the passage of the accompanying bill.

JOHN S. DICKSON.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. COBURN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2789.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1494,) for the relief of John S. Dickson, having had the same under consideration, report back the accompanying bill, and recommend its passage:

The committee find that John S. Dickson, late a sergeant of Company C, Eighteenth Regiment of Wisconsin Volunteers, was, on or about the 9th day of October, 1862, appointed, by order of Maj. Gen. John Pope, then in command of the Department of the Northwest, a captain of Company B, of Wisconsin Paroled Prisoners of War. That he, in obedience to the order, entered upon the discharge of the duties of such captain, and clothed and subsisted himself as such, and took all the responsibilities of a captain. That he continued in the discharge of these duties for the period of nine months and twenty days. He, upon being relieved, returned to his regiment, and has received no pay except such as he was entitled to as a sergeant in his regiment. The evidence shows that he did his duty regularly and honorably. He earned the pay of a captain, and should have it. The committee regard this case as an exception to those cases in which the duties of officers have been discharged by soldiers without commissions or regular commands. This duty was a special one; was, under the circumstances, one that could be performed by no other officer at hand. This peculiar service of an officer of paroled prisoners by special order is as worthy of recognition and compensation as any other official military service.

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CONFIRMATION OF LAND-ENTRIES IN MISSOURI.

APRIL 3, 1874.—Ordered to be printed.

Mr. BUCKNER, from the Committee on Private Land-Claims, submitted the following

REPORT :

[To accompany bill H. R. 1848.]

Your committee, to whom was referred the bill (H. R. 1848) to confirm certain entries of lands therein named, in the State of Missouri, beg leave to report :

That the entry of lands intended by this bill to be confirmed and patents to issue thereon, comprising between three and four thousand acres, were subject to the operation of the act of Congress of August 4, 1854, which graduated the price of a certain class of the public lands to actual settlers and cultivators according to the time the same had been in market. This act was repealed by the act of June 2, 1862, (Stat. at Large, v. 12, p. 413.) It is alleged that these entries were made in good faith on the 5th and 6th days of June, 1862, after the repeal at the land-office at Ironton, Mo., and without the knowledge of the parties making the entries, and without any knowledge of the land-officers at Ironton that the graduation act had been repealed. There is no pretense of proof that these lands were settled or cultivated, as required by this act, nor is there any proof that the parties in whose name these entries were made are now occupying or cultivating, or ever did so occupy or cultivate, these lands, or any of them. Nor is there any evidence before your committee that any of them acted in good faith in the entry of these lands. On the contrary, there is good reason to believe that the entries were made in fraud of the law, and the several parties in whose names the entries were made were fictitious and not real persons. The affidavits, twenty in number, 42,810 to 42,829, inclusive, are now on file in the General Land-Office, and appear to have been taken before one David Dessau, and attested by him as notary public in 1861, about a year before the alleged entries. In making the affidavit as to settlement and cultivation, required by the act of 1854, a printed form was used, and it appears to be certified to by the notary and his seal is attached. Appended to this certificate is the certificate of the clerk of court, certifying the official character of Dessau, but this is not filled up, or subscribed or attested by any clerk or other officer. The blanks in the certificates for the description of the lands were at one time filled up in pencil, but subsequently the description was written out in ink. It is difficult to resist the conviction that the names of the parties appearing in these entries were not the names of the persons represented, but that either some other parties personated them, or that no such persons are now or were in existence at the time of making

these alleged affidavits and, therefore, they have no pretense of claim to this land. It was entered after the repeal of the law, and if it had appeared that any one or all of the parties had gone on the land and cultivated it, or was upon it now and cultivating it in good faith, a strong case would be made out to confirm the entry and to require that the patents be issued to any of such parties. But there is a total absence of proof of this character, while an inspection of the papers, and all the circumstances connected with these entries, make it more than probable that the affidavits were never made by any real person, and that the notary lent himself to a scheme of fraud and forgery to secure these entries either for himself or for some confederate in crime.

Your committee, therefore, beg leave to report adversely to the said bill, and ask to be discharged from its further consideration.



BENJAMIN C. SKINNER.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

R E P O R T:

[To accompany bill S. 518.]

The Committee on Invalid Pensions, to whom was referred Senate bill 518, granting a pension to Benjamin C. Skinner, having considered the same, concur in the Senate report, and report the bill back without amendment, and recommend its passage.

AMY A. HOUGH.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill S. 449.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 449) granting a pension to Amy A. Hough, mother of Daniel E. Hough, having considered the same, make the following report :

Daniel E. Hough was captain of Company A, Eleventh Regiment Wisconsin Volunteer Infantry, wounded at Black River Bridge, near Vicksburgh, May 18, 1863, and died from said wound, received in action, a few days thereafter. At his death three orphan daughters were left to the care and guardianship of the petitioner. The children received a pension up to the time they became of age. One of the children is a confirmed invalid, mentally and physically, and the other two are in feeble health. All are now dependent upon the petitioner (who is in her sixty-ninth year, and without resources) for support.

The committee are of the opinion that this is a meritorious case, and therefore report back the bill (S. 449) without amendment, and recommend its passage.

○

JULIA A. SMITH.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill S. 217.]

The Committee on Invalid Pensions, to whom was referred Senate bill 217, granting a pension to Julia A. Smith, having considered the same, concur in the Senate report, and report the bill back, and recommend its passage without amendment.

○

BENJAMIN FARLEY.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill S. 387.]

The Committee on Invalid Pensions, to whom was referred Senate bill No. 387, with favorable report thereon, granting a pension to Capt. Benjamin Farley, Company C, Fifth Indiana Cavalry, having considered the same, report the bill back, and recommend that it do pass.

○

CALEB A. LAMB.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. WALLACE, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill S. 42.]

The Committee on Invalid Pensions, to whom was referred Senate bill 42, granting a pension to Caleb A. Lamb, late a private in Company E, Forty-sixth Regiment Indiana Volunteer Infantry, having considered the case and Senate report thereon, concur in the same, and report the bill back without amendment, and recommend that it do pass.



NANCY ABBOTT.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BARRY, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2790.]

The Committee on Invalid Pensions, to whom was referred the application for pension of Henry Frees, guardian of Nancy Abbott, have had the same under consideration, and beg leave to report :

That this case was not allowed at the Pension-Office for lack of sufficient evidence of dependence and support.

That the petitioner, Nancy Abbott, was the mother of three sons. The youngest, J. S. Abbott, Company L, First Michigan Cavalry, died near Washington City, in 1861; the second, Elon Abbott, of the First Michigan, died March 5, 1862; her husband died in December, 1861; and her eldest and last son, Amos W. Abbott, sergeant Company A, Ninth Michigan Volunteers, was killed in battle at Murfreesborough, Tenn., July 13, 1862. And that this son, at different times, did contribute to the support of his mother, who is now left, when more than sixty years old, dependent entirely upon charity, after giving all her sons to the country.

Your committee recommend the passage of the bill granting a pension to her.

FRANKLIN STONER.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. McJUNKIN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2791.]

The Committee on Invalid Pensions, having had under consideration the bill (H. R. 2791) for the relief of Franklin Stoner, beg leave to submit the following report :

The facts of the case are these: Franklin Stoner, the petitioner a citizen of Cumberland County, Pennsylvania, when eighteen years of age, enlisted as a private in Company G, Eighty-fourth Regiment Pennsylvania Volunteers, and was mustered into service on the 8th October, 1862, for and during the war. He served faithfully and honorably until about the middle of December, 1864, when, being disabled by the amputation of one of his feet, he was sent from one hospital to another until he was honorably discharged, at Chester, Pa.

It appears, from the testimony of his company-officers and several of his fellow-soldiers, that while the petitioner's regiment was lying in front of Petersburg, Va., he was granted permission by his captain to make a visit to Meade Station, distant about four miles from his own camp; that he went aboard of the train, which did not stop when it arrived at Meade Station, and that Stoner, in attempting to jump off the train, was thrown under the cars, in consequence of his coat catching on the car, whereby his foot was crushed so badly as to necessitate its amputation within an hour afterward.

Stoner is a blacksmith by trade, but is now unable to work at it, and earns a scanty and precarious living for himself and family by performing such light labor as he may chance to obtain.

The manner in which his injury occurred has prevented him from obtaining a pension under the general law, the Commissioner of Pensions having rejected his application, on the ground that his injury was not sustained "while in the line of his duty." But when it is remembered that Stoner was in his proper place, and had express permission from his immediate commander to visit the place where the accident occurred, and that the cause of it arose out of no misconduct or default or disobedience on his part, and that he was strictly within the limits of the permission given to him, the ruling of the Pension-Office seems harsh and purely technical, even if literally correct, and, in the judgment of the committee, should not exclude the petitioner from the bounty of the Government, especially when the policy has been established of dealing generously with those who volunteered in its defense.

Stoner was quite a lad when he entered the military service of his

country, and faithfully did his duty for more than two years, and is now so badly crippled as to be unfit to follow his trade and earn a comfortable living, such as he would have been able to command had he not volunteered as a soldier.

For these reasons, and because Stoner acted by the authority of his superior officer, and submitted his conduct to his captain's direction, and supposed himself to be "within the line of his duty," he should be regarded as acting within that line when conforming to the permissive order of his commanding officer. At the time of the injury he was acting in good faith, violating no duty, disregarding no orders, but submitting himself dutifully to his obligations as a soldier.

The committee therefore recommend the passage of the accompanying bill.



JOHN G. PARR.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MCJUNKIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1616.]

The Committee on Invalid Pensions, to whom was referred the petition of Lieut. Col. John G. Parr, of Leechburgh, in the county of Armstrong, Pennsylvania, submit the following report:

John G. Parr entered the military service of the United States at Pittsburgh, Pa., on the 22d day of August, 1862, as captain of Company C, of the One Hundred and Thirty-ninth Regiment of Pennsylvania Infantry Volunteers, and was honorably discharged as the lieutenant-colonel of said regiment on the 21st day of June, 1865.

At the battle of Cold Harbor, Virginia, on 3d June, 1864, while commanding his company, he received a gunshot wound from the enemy's artillery which severed his right hand and arm below the elbow. Again in battle near Petersburg, Va., on the 25th day of March, 1865, while commanding the said regiment as lieutenant-colonel, he received a severe contusion or shell-wound in the right hip.

He was commissioned a captain on the 22d August, 1862. On 28th June, 1864, he was commissioned a major of said regiment, to rank as such from 6th June, 1864. On the 18th day of July, 1864, he was commissioned lieutenant-colonel of said regiment, to rank as such from the 6th day of June, 1864, and was mustered in as lieutenant-colonel on the 6th of July, 1864. On the 25th day of August, 1864, as soon as he had sufficiently recovered from his said wounds and amputation to enable him to do so, and before his wounds had fully healed, he returned to his regiment and performed the duties of lieutenant-colonel, and was, while so acting and in line of duty, in battle before Petersburg, in Virginia, again wounded as aforesaid by being struck by a piece of shell in the hip. On the 20th day of April, 1865, the President of the United States, by and with the advice and consent of the Senate, did confer on said soldier the rank of colonel by brevet, to rank as such from the 1st day of August, 1864, for meritorious services at the battle of Cold Harbor, Va., when and where he received his severe wound.

That by reason of the wounds and injuries sustained he was granted a pension to date from 21st June, 1865, the time of his discharge, and placed on the pension-roll as of the rank of captain, and was paid a pension accordingly of twenty dollars per month.

The petitioner prays that by special act he may be placed on the pen-

sion-roll as a lieutenant-colonel, and that he be paid a pension as of that rank from said 21st June, 1865, all pension received to be deducted.

It is proved that ever since the amputation of the soldier's right hand and arm as aforesaid he has suffered unusual pain, inconvenience, and annoyance by reason of continued, violent, and involuntary jerking and spasmodic twitching of the stump of the arm, and of the whole arm remaining to him. The motions and violent vibrations of which can only be overcome and restrained by the application of external physical force; that he submitted to a second amputation, and the expense and suffering consequent, without benefit or relief. Whether this extraordinary condition arises from the unskillfulness of the amputation, or from a peculiar nervous condition produced in him by the wound, are questions which seem to baffle the many surgeons who have been consulted. At the Pension Bureau the pension to the soldier was allowed and fixed at the rate allowed by law for the rank the soldier held at the time he received the principal wound, and not for the rank he held when he received the second wound and when discharged, although admitting that there was very great merit in the case, and that it was one on which relief should come from Congress.

The applicant is a brave man and a worthy citizen in all respects. His rapid promotion proves him every inch a soldier, and one deserving of any benefit Congress can bestow.

The peculiar characteristics of the disability of the soldier seem to increase with the lapse of time, and now amount to total disability, as is shown by the opinions of the surgeons who have examined the case. Dr. Otto states that the soldier is wholly disabled and incapacitated for labor of any kind, and that the disability is permanent. In this other surgeons agree, and all join in pronouncing this a peculiar and most extraordinary case. The committee recommend the passage of the bill.



ELIZABETH CLARK.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. McJUNKIN, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2116.]

The Committee on Invalid Pensions, to whom was referred the petition of Elizabeth Clark, mother of Isaac Clark, late a private in Company C, One hundred and nineteenth Regiment of Pennsylvania Volunteers, make the following report :

Isaac Clark was drafted and mustered into the military service of the United States as a private, at Philadelphia, Pa., on the 2d day of September, 1863; was placed in Company C, One hundred and nineteenth Regiment of Pennsylvania Volunteers, for three years or during the war, and was killed in battle on 3d May, 1864. Thomas Clark, the father of the soldier and husband of petitioner, died on 11th January, 1866, aged seventy-five years. He was poor and unable to support himself and wife by manual labor. It is clearly proven that the son contributed his earnings while in the Army, and before, to the support of his parents, and that they chiefly depended upon his labor for their living. He was unmarried. The application of the mother and petitioner for pension failed at the Pension Bureau because the records in the Adjutant-General's Office show that a charge of desertion was brought against the soldier, and that on court-martial he was convicted and sentenced to forfeit ten dollars per month of his pay for six months. The charge is that the said Isaac Clark did desert from his regiment on the march, near Sulphur Springs, in Virginia, on the 16th day of September, 1863, and did remain absent from his regiment until the 22d day of September, 1863, when he was returned to his regiment under guard. The time he was absent from his regiment was six days, the greater part of which was spent in his trial. Capt. A. T. Goodman, who commanded Company C, says of the soldier:

Isaac Clark was assigned to our command in 1863, after Gettysburgh, and while we were lying at Warrenton, Va. When we started on the march to the Rappahannock River, Clark being quite young and unaccustomed to marching, straggled, and being captured by the provost-guard was returned to our headquarters. I was of course compelled to prefer charges against him. I do not think he attempted to desert in reality, but became discouraged and dropped behind, intending to rejoin us at the first halt. His subsequent conduct proved this, as I remember him as a good soldier, dying at his post. However, his sentence remained; and I regret this the more, as notwithstanding his position he did well and caused no further trouble. I would be the last one to attempt to shield an unworthy soldier, but Clark was not of that sort. I think

of him only as a quiet, obedient member of my company, always ready for duty, and falling at last at his post in an engagement into which we were suddenly thrown, and where there would have been every opportunity for him to shirk or evade had he been so disposed.

The proof of the service of the soldier is ample, and that he was the chief support of his parents is also clearly established. His now widowed mother is in needy circumstances, is aged, and unable to support herself by labor, thus having been baffled and delayed in obtaining justice. There is every reason to believe that the finding of the court-martial was a mistake and unjust, and an impartial view of the whole case and its unfortunate surroundings prompt speedy action in wiping out the stain that has for a time attached to the name and memory of a good soldier who gave his life to his country. This can be done, indirectly it is true, but in the only way in the power of the committee, by recommending the passage of the act granting a pension to Elizabeth Clark, the aged and dependent mother of the deceased soldier.

C

ELIZABETH F. THOMPSON.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 316.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 316) granting a pension to Elizabeth F. Thompson, on account of the death of Moses Goodwin, private Company I, Ninth Regiment Maine Volunteers, an adopted son, having had the same under consideration, respectfully report :

That we concur in the action of the Senate committee, report back this bill, and recommend its passage.

○

LLEWELLYN BELL

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2792.]

The Committee on Invalid Pensions, to whom was referred bill (H. R. 2262) granting a pension to Llewellyn Bell, private Company C, Thirty-third Ohio Veteran Volunteers, having considered the same, make the following report :

The petitioner was on detached duty as blacksmith at the headquarters of Gen. Jeff. C. Davis, and while performing that duty was frequently obliged to work late at nights, and very often all night, when the Army was on the march, and that through the heat, dust, and smoke, his eyes were injured, and became worse, and, as a final result, he is totally blind.

He applied for a pension, but his claim was rejected April 4, 1873, because the applicant could not furnish sufficient evidence to establish the fact that the disease of the eyes was contracted in the service and in the line of duty. The applicant alleges as a reason why he could not furnish this evidence, that this affliction occurred but a short time previous to the muster-out of the troops, and therefore did not go to a hospital for treatment, but used such medicine as he could procure at the drug-store, until his final discharge, when he could go home and receive medical treatment and care. Hence there is no evidence to be obtained from a hospital for treatment; and being away from his company on detached duty, he can furnish no evidence from any of the officers.

The evidence submitted in support of this claim is reliable, and worthy of consideration.

Dr. Isaac J. Guth, examining surgeon, in his examination of the applicant, February 28, 1873, reports him totally incapacitated for obtaining his subsistence by manual labor, and that in his opinion the disability did originate in the service and in line of duty.

Michael Long, a comrade on duty with applicant, also testifies that the applicant did contract the disease while in the line of duty.

Dr. Joseph F. Thomas, the applicant's physician, under oath, makes the following statement, which is attached and made a part of this report:

STATE OF ILLINOIS, Peoria County, ss:

Dr. Joseph F. Thomas being sworn according to law, upon his oath states that he is now a resident of the town of Chillicothe, in the county of Peoria and State of Illinois, and that he is now, and has been for over 21 years last past, a regular practicing phy-

sician. Affiant further states that he is well acquainted with one Llewellyn Bell, who is also a resident of said town of Chillicothe, Illinois, and who was formerly a private in Company C of the Thirty-third Regiment Ohio Veteran Volunteers, and who was an applicant for invalid pension, original claim No. 163732, grounded on a disability arising from diarrhoea and sore eyes, from the effects of which said Bell is now totally and permanently blind in both eyes.

Affiant further states that he has known said Bell well since about the last of the month of July, 1865, up to the present time, and that when he first became acquainted with said Bell he was called to see him in a professional way, and upon inquiry and investigation he found said Bell suffering under a disability produced by diarrhoea and sore eyes, and that from the time he first became acquainted with said Bell as aforesaid he began to prescribe for him, for each of said diseases or causes of disability, and that he continued to do so until said Bell became entirely blind in both eyes, when he ceased, because further medical attendance for said sore eyes was utterly useless and entirely hopeless.

Affiant further states that if said Bell was discharged from the service on the 12th day of July, A. D. 1865, then such discharge was but a very few days prior to the time of affiant's becoming acquainted with and prescribing for said Bell; and that at that time he found him suffering with ulceration of the cornea, following a severe and protracted attack of chronic diarrhoea.

Affiant further states that the eyes of said Bell continued to grow worse and worse until the sight of the right eye became totally destroyed about the year 1870, leaving the left eye seriously impaired, and the sight in which continued to fail him until on or about the 30th day of March, 1871, when, from acute inflammation, the eye-ball burst, and since when said Bell has been and is now permanently and totally blind in both eyes.

Affiant further states that he was formerly a major in the Eighty sixth regiment Illinois Infantry Volunteers, and from such service had experience of the causes which produce diseases of the kind and nature with which said Bell was afflicted; and that from such experience and his experience in the practice of medicine for over twenty-one years, and from the condition, looks, and symptoms of said Bell at the time he first prescribed for him, he has no doubt, and here gives it as his professional opinion, that said Bell contracted said disease and disability while in the service, from the natural and legitimate exposures thereof; and affiant gives it as his professional opinion, and states the fact to be, founded on said opinion and experience, was contracted by said Bell while in the Army, and that his present blindness was the natural and unavoidable consequence thereof.

Affiant further states that said Bell is a man addicted to no habits or vices of an intemperate or immoral nature, which were calculated to produce, prolong, or in any way aggravate said disease; and that present loss of sight was not in any way caused by any such habits, but the same was contracted in, and caused by the exposures of, the service.

Affiant further states that he has no interest whatever, either directly or indirectly, in said Bell's application for pension, nor in the prosecution thereof, and that he is in no way related to said Bell, either by marriage or otherwise.

F. THOMAS, M. D.

Subscribed and sworn to before me this 13th day of February, A. D. 1874; and I certify that affiant is personally known to me to be the identical person he represents himself to be, and that he is an old citizen of this county, and is entitled to full credit and belief. I further certify that he is a regular practicing physician, in high standing with the medical fraternity and the community in which he resides; and I further certify that I have no interest in this claim or in its prosecution.

GEO. M. DIXON,
Notary Public, Peoria County, Illinois.

In view of all the facts submitted, and the good character sustained, and the indorsement of leading and influential citizens well acquainted with the applicant, the committee are of the opinion that this is a meritorious case, and therefore recommend the passage of the accompanying substitute for bills H. R. 22, 62.

ANNA BRASEL.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2793.]

The Committee on Invalid Pensions, to whom was referred the petition of Anna Brasel, widow of David Brasel, sergeant in Captain Gordon's Company, Colonel Neal's Regiment Illinois Mounted Volunteers, in the Indian war of 1827, to correct commencement of renewal of pension, having had the same under consideration, respectfully report :

That petitioner, as the widow of said David Brasel, was pensioned under the act of July 4, 1836, at the rate of \$4 per month; that she drew the pension allowed her under said act up to the expiration of the term of five years provided for in said act, and being ignorant of the extension of the same by subsequent acts, she did not apply for renewal until June, 1871, and that in May, 1872, the same was granted at the rate of \$8 per month, to commence June 19, 1871, date of filing application. The honorable Commissioner of Pensions, in his letter of February 12, 1874, transmitting the papers to this committee, states "that there was no law in existence prior to February 3, 1853, under which she had a title to continuance of her pension." Your committee find that the provisions of the act of July 4, 1836, was extended and reenacted by act of March 3, 1843, for the term of one year; by act of June 17, 1844, for the term of four years; was again extended by act of July 21, 1848; again by act of February 3, 1853; and by the act of June 3, 1853, the same was extended to widows during life. It is true that petitioner did not apply for a renewal of pension until a period of nearly thirty years had elapsed, but, notwithstanding this fact, her right to the pension existed under the several acts cited, and was at no time during the thirty years barred, limited, or conditioned by subsequent acts regulating the payment of pensions. The honorable Secretary of the Interior, in his decision of this case on appeal, admits the successive extension of the act of July 4, 1836, to this date, but regards the application for removal as an original application, affirms the action of the Commissioner of Pensions, and refers to section nineteen of the act of March 3, 1873, as the law governing this case. Your committee cannot regard the application of petitioner for renewal of pension as an original, but, on the contrary, as an application for a renewal of pension previously granted under an act of Congress subsequently extended and finally made to extend during life. Section nineteen of the act of March 3, 1873, could not apply to her case, as her application was made

in June, 1871, nearly two years before this section became a law, and, if it did, the proviso to said section—which reads as follows: “That no claim allowed prior to the 6th day of June, 1866, shall be affected by anything herein contained”—clearly relieves her from the provisions of the same.

Your committee, after carefully considering this case, fail to find any law to sustain either the decision of the honorable Secretary of the Interior or the honorable Commissioner of Pensions, but do find that petitioner is entitled to pension, to commence on the 4th day of June, 1841, at \$4 per month, to the 25th July, 1866, and from that date at \$8 per month, and so report, with recommendation in favor of the passage of the accompanying bill.

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SCIOTHA BRASHEARS.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN D. YOUNG, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 361.]

The Committee on Invalid Pensions, to whom was referred Senate bill 361, granting a pension to Sciotha Brashears, of Kentucky, having considered the report of the Senate and finding the same correct, report the bill back without amendment and recommend its passage.

○

ADE H. McDONALD.

APRIL 3, 1874.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JOHN D. YOUNG, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 599.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 599) for the relief of Ade H. McDonald, of Nashville, Tenn., and the accompanying papers, have had the same under consideration, and beg leave to report :

That the late husband of the petitioner, Colonel Charles McDonald, entered the United States service in the Eighth Missouri Infantry, in which he served as captain, and after nearly three years' service, having been promoted for bravery and good conduct, he resigned on account of sickness, and settled in Memphis, Tenn. That on the 20th of January, 1864, General Sherman issued special field-order No. 6, for the formation of a brigade of four regiments of loyal citizens of Memphis, one of which was commanded by Colonel Charles McDonald, and this brigade did protect and defend the city—at one time driving the rebel General Forest out of the city when he attacked it, enabling General Sherman to take away a full division of troops and use them on the Atlantic campaign.

That in December, 1864, General Dana, post-commander, called out this regiment for inspection, and as Colonel McDonald came in front of the colors his horse, a high-spirited animal, became, from fright, it is supposed, unmanageable and slipped, fell on his right side, carrying his rider with him, dashing him head first upon the ground, then falling or rolling upon him, and killing him almost instantly.

General Sherman, in a long letter giving the reasons for organizing this "home-guard," and explaining its service, writes: "And accordingly I issued my order No. 6, and under its provisions four good regiments were raised, which afterward fulfilled perfectly the purpose designed." "The regiments were called out for inspection by the post-commander, Gen. W. P. J. Dana, some time in December, 1864, when the ground was frozen and slippery, and Col. Charles McDonald, the commanding officer of one of the regiments, was killed outright by the fall of his horse. The regiment was on duty in the strict military sense." "By defending their homes they also defended the Mississippi River, which was a military object of the first importance; and, moreover, they enabled me to take from that point a good volunteer division, which was absolutely needed in the Atlanta and Savannah campaigns." Alluding to the widow's application for pension, the General continues: "It does seem to me the case appeals to the generous and charitable consideration of Congress. Colonel McDonald was young, in the very

prime of life; had served in the Army, under my eye at Shiloh, Corinth, Memphis, and Vicksburgh, for three years, and had then married, settled in Memphis, and was in the prosecution of a lucrative business; but when I called for this special service he reported with alacrity and lost his life. I beg that you will use this paper in such a way as will best serve the purposes of Mrs. McDonald and her child. I am sure that the troops organized under these my lawful orders were the cheapest troops that served in the United States in all the war."

Your committee unanimously recommend the passage of the bill for the relief of the petitioner, to take effect from the date of its passage.

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BIGSBY E. DODSON.

APRIL 3, 1874.—Ordered to be printed.

Mr. JOHN D. YOUNG, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1713.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1713) for the relief of Bigsby E. Dodson, having considered the same, make the following report:

The petitioner was a private in the First United States Dragoons, and discharged the service December 4, 1835, for inguinal hernia, and applied for pension February 15, 1860. The claim was allowed March 21, 1860, at \$8 per month from date of filing his application. The pension, as allowed, has been paid him since that date, excepting from September 4, 1867, until July 21, 1868, during which period he was employed as an acting assistant surgeon, United States Army. He now applies for arrears of invalid pension for twenty-five years prior to the 18th day of June, 1860, amounting to \$2,418.77.

On examination of the case, the committee can see no reason why the prayer of the petitioner should be granted, and therefore report adversely, and ask to be discharged from the further consideration of the case.

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CHRISTIANA BAILEY.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. CHRISTOPHER Y. THOMAS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 548.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 548) granting a pension to Christiana Bailey, having considered the same, concur in the Senate report, and report back the bill without amendment, and recommend that it do pass.

ELIZABETH WOLF.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. THOMAS, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2794.]

The Committee on Invalid Pensions, to whom was referred the petition of Elizabeth Wolf, widow of John F. Wolf, asking a pension, submit the following report :

The evidence in this case discloses the following facts: That the husband (John F. Wolf) was a private in Company D, Third Maryland Volunteers, in the service of the United States during the war of the late rebellion, and was, on the 21st of August, 1862, while in the line of duty, severely wounded at Beverly Ford, in the State of Virginia, and taken prisoner by the rebels; that shortly thereafter he was paroled and transferred to the Veteran Reserve Corps, and died at barracks in the city of Washington in March, 1864, leaving a widow and three minor children. The only question in the case is as to the cause of his death.

The Commissioner of Pensions rejected her application the 25th of October, 1866, upon certificate of the Surgeon-General showing he died of delirium tremens; affirmed his decision in May, 1869, and, passing upon the affidavits subsequently filed, re-affirmed the decision in October, 1869. No evidence has been taken since that date.

The affidavits show that John F. Wolf was a faithful and courageous soldier; that his wound was caused by the explosion of a shell, which wounded him so severely in his side that he was left upon the field as dead; that he was a very temperate man while in the service, and, in their opinion, died from the effects of the wound, though it does not appear that either of the affiants was present when he died.

In view of all the facts, the committee are of the opinion that the record-evidence is incorrect, and that the petitioner is entitled to a pension, and recommend the passage of the bill.

JAMES N. CARPENTER.

APRIL 3, 1874.—Ordered to be printed.

Mr. JOHN B. HAWLEY, from the Committee on Claims, submitted the following

R E P O R T :

The Committee on Claims, to whom was referred the petition of James N. Carpenter, praying compensation for the loss of certain slaves, emancipated under the act approved April 16, 1862, and entitled "An act for the release of certain persons held to service or labor in the District of Columbia," having had the same under consideration, present the following report :

The committee are of the opinion that whatever may have been the rights of the claimant under the said act of April 16, 1862, such rights were taken away by virtue of the fourth section of the fourteenth article of amendment to the Constitution of the United States.

That section reads as follows: "But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slaves; but all such debts, obligations, and claims shall be held illegal and void."

Your committee do, therefore, ask to be discharged from the further consideration of said claim, and recommend that said petition do lie on the table.

RAFAEL MADRAZO.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. JOHN B. HAWLEY, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 2796.]

The Committee on Claims, to whom was referred the petition of Rafael Madrazo, for compensation for the wrongful capture by the United States of the bark Teresita, present the following report:

That the bark Teresita was a Spanish vessel owned by Rafael Madrazo, the claimant, and was captured on the 16th of November, 1863, by the United States steamer Granite City, upon the supposition that she was lying in interdicted waters. She had sailed from Havana loaded with sugars and raisins, on a voyage to Matamoras and back, and had completed one-half of the voyage when taken.

On the 16th day of December, 1863, she was libeled in the district court of the United States for the eastern district of Louisiana, and upon the trial of said cause, and on the 30th day of March, 1864, judgment was rendered against the United States and in favor of said claimant in said cause, upon the ground that at the time of capture said bark Teresita was in Mexican waters, or if in the waters of the United States it was without design, and solely by reason of the force of the winds and currents which had forced said vessel from her anchorage in Mexican waters. Said cause was appealed by the United States to the Supreme Court of the United States, and the judgment of the district court was affirmed. Chief Justice Chase, in rendering the opinion of the Supreme Court, said: "The decree of restitution must be affirmed, and we shall direct the costs and expenses to be paid by the captors." (5 Wallace, p. 180.)

It also appears from the proofs in this case that, during the pendency of said proceedings in court, said bark "Teresita" was sold by the order of said district court, and the proceeds of said sale, amounting to the sum of \$10,359.20, were, by the order of said court, deposited by the marshal of said district in the First National Bank of New Orleans, and that shortly thereafter said bank failed. The committee find that said claimant received from said bank, on account of said sale, between three and four thousand dollars, and that the balance is still due him. A bill for his relief was unanimously reported from the Committee on Appropriations of this House in the last Congress, and passed the House, providing for the payment to said claimant of the amount of said sale, less the amount received by him from said bank; and your committee report the accompanying bill for the same purpose, and recommend its passage.

JAMES W. BOWEN.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. SHOEMAKER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1207.]

The Committee on Claims, to whom was referred the bill (H. R. 1207) for the relief of James W. Bowen, late provost-marshal of the tenth congressional district of Pennsylvania, respectfully report:

It appears, from the papers submitted in this case, that while petitioner was acting as provost-marshal, in October, 1864, one Andrew B. Newgart was drafted to serve in the United States Army. The drafted man procured his brother Simon to go as his substitute. The said Simon was duly mustered into the service, and was granted a furlough of ten days before joining his regiment. The said Simon failed to make his appearance at the expiration of his furlough, and was marked as a deserter on the rolls. The petitioner caused Jacob Newgart, the father of said Simon, to be arrested on the charge of aiding and abetting the desertion, and detained him in the guard-house for one or two days. While thus under arrest Jacob Newgart paid petitioner \$625 to procure a substitute for Simon. The said Jacob afterward brought suit in the court of common pleas in the tenth district of Pennsylvania against petitioner for the sum so paid under duress, and recovered judgment for \$800 and costs. As it is presumed all the facts in the transaction were before the court on the trial of the case, and that defendant had a fair trial on the law and the facts, your committee fail to see any reason why the judgment and costs should be paid out of the Treasury of the United States.

The committee therefore report back the bill, with the recommendation that the same do lie on the table.

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WILLIAM PELHAM.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1370.]

The Committee on Claims, to whom was referred the bill (H. R. 1370) for the relief of William Pelham, have had the same under consideration, and beg leave to report :

That, according to the letter of the Commissioner of the General Land-Office, bearing date December 17, 1873, directed to Hon. John Hancock, which letter is made a part of the report, there is due claimant, as late surveyor-general of New Mexico, the "sum of \$518.90, which covers all his expenditures for the quarter ending June 30, 1860. This amount was paid by him as appears from the suspended vouchers now on the files of this office. There being no fund, however, applicable to the payment of this claim, the only redress Mr. Pelham has is to apply to Congress for relief."

Your committee therefore report back the bill with a recommendation that it do pass.

F. A. STONE.

APRIL 3, 1874.—Ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT :

The Committee on Claims, to whom was referred the memorial of F. A. Stone, claiming compensation for services in the office of Public Buildings, Grounds, and Works, with the officer in charge, have had the same under consideration, and beg leave to report :

That the memorialist claims pay at the rate of \$150 per month, as assistant to the engineer in charge, from January 1, 1870, to October 1, 1870, amounting to \$1,350. It is alleged by the memorialist that he performed the service and was not paid, for the reason that there was no appropriation.

In reply to a letter, calling upon the First Comptroller of the Treasury for information as to the justice of this claim, that officer says, under date of February 10, 1874 :

Mr. Stone's name does not appear on the rolls or accounts returned to the office by General Michler during the period for which he claims pay. General Michler always had moneys advanced to him to pay all expenses which he was authorized to incur, and I have no reason for doubting that he paid his employées. I have also to inform you, that by the pay-rolls returned by General Michler, and allowed to him in his accounts, P. F. Burns appears to have been employed and paid as superintendent for the months of February, March, April, June, July, September, October, and December, 1870.

Your committee therefore report adversely on the claim, and ask to be discharged from its further consideration.

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JACOB P. CLARK.

APRIL 3, 1874.—Ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 1642.]

The Committee on Claims, to whom was referred the bill (H. R. 1642) for the relief of Jacob P. Clark, have had the same under consideration, and beg leave to report :

That the claimant was register of the United States land-office at Olympia, Wash., from July 1, 1869, to June 1, 1873; and that during his term of service he paid out various sums of money for clerk-hire and office-rent, with which the proper Department refused to credit him on settlement.

In a letter from the Commissioner of the General Land-Office, bearing date September 13, 1872, the register and receiver of the land-office at Olympia are notified that they [you] "will therefore omit the item in your disbursing account [referring to the item for rent] for the present quarter, inasmuch, as it charged up therein, it will be rejected in the adjustment of your accounts."

This instruction of the Commissioner was based on a very correct decision of the Department, that, under the law, registers and receivers, only in consolidated districts, were entitled to office-rent. The Commissioner also, by letter to Mr. Clark, under date of October 6, 1873, declined to allow him for clerk-hire, as well as rent, for the reason that "there was no authority of law by which he could authorize or allow any of the expenditures named."

The claimant alleges that when he went into office the business "was largely in arrears in consequence of a great number of suspended entries, &c." hence the necessity of employing clerks. It is only in case of consolidated land-offices that the law authorizes the employment of clerks under any circumstances, and when thus appointed it must be done with the approval of the Secretary of the Interior. This was but a single office, and the employment of clerks was not approved by the Secretary of the Interior. Your committee, therefore, report back the bill, with the recommendation that it do not pass.

WILLIAM E. BOND.

APRIL 3, 1874.—Ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT :

The Committee on Claims, to whom was referred House bill No. 283, have had the same under consideration, and beg leave to report :

That it appears from the evidence that the claimant was collector of internal revenue for the first district of North Carolina, from November, 1866, to June, 1869; and that during said time claimant, as such collector, took checks and drafts for the sum of \$1,014.51 in payment of taxes due from one McMahan, who was in failing circumstances, and returned said taxes as collected and settled with the proper Department accordingly. Afterward one draft for \$398.50 was protested for non-payment, and the claimant could not collect the money out of McMahan, and lost that amount. The evidence tends to show that if the collector had not taken the drafts the tax could not have been collected.

In reply to an inquiry as to the propriety of paying this claim, the Commissioner of Internal Revenue, under date of March 4, 1874, says: "In reply I would state that, pending the settlement of his accounts as late collector, William E. Bond presented a claim to this office for the amount above stated, which was disallowed, for the reason that a collector of internal revenue has no authority to receive in payment of taxes anything but current money, and if he takes checks or drafts, he does it solely at his own risk. This rule has been uniformly adhered to by the Department, as any deviation therefrom would result in great loss to the Government."

Whatever hardship may result in individual cases from this rule, your committee deem the enforcement of the same, under all circumstances, of such importance that they are not willing to depart from the same in this instance; they therefore report the bill to the House with a recommendation that it do not pass.

HENRY FULINWIDER.

APRIL 3, 1874.—Ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT :

[To accompany bill H. R. 289.]

The Committee on Claims, to whom was referred the bill (H. R. 289) for the relief of the heirs of Henry Fulinwider, deceased, have had the same under consideration, and beg leave to report :

That the evidence shows that Henry Fulinwider was contractor to carry the mail on route number 7002, in the State of Alabama, at \$65,000 per year, for and during the term commencing the 1st day of July, 1860, for and ending on the 30th day of June, A. D. 1862. It further appears that mail-service was performed on said route until the 31st day of May, 1861, when it was suspended by order of the Postmaster-General, on account of the insurrection then prevailing in the State of Alabama. It further appears that, on the 23d day of February, A. D. 1861, Henry Fulinwider died. The amount claimed, as the balance due under the contract, is \$10,892.85; all of which is for service rendered after the death of Mr. Fulinwider, and all, or nearly all, of which accrued after the attempted secession of the State of Alabama, and when insurrection against the authority of the United States Government was prevailing in the region covered by said mail-route.

There is no evidence before the committee showing by whom, or under what circumstances, the mail-service was performed after the death of Mr. Fulinwider; or whether the same was done under the authority of, and in subordination to, the Government of the United States, or under the assumed authority of the insurgent government then at war with the United States. Under the known circumstances then existing in that section, the presumption, in the absence of evidence on that point, is, that the postal service on the route at the time was rendered under the authority of the insurgent authorities, and that the revenues were paid to them. Your committee therefore report back the bill with the recommendation that it do not pass.

J. & T. GREEN.

APRIL 3, 1874.—Ordered to be printed.

Mr. LAWRENCE, from the Committee on War-Claims, submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the claim of J. & T. Green, of Jackson, Miss., submit the following report :

That J. & T. Green, of Jackson, Miss., have presented a claim as follows :

Account of property belonging to J. & T. Green, of Jackson, Miss., destroyed by order of the commanding general of the United States Army, and of money and bonds taken from their banking-house by the same authority :

A.—PROPERTY DESTROYED.

Cotton factory, including the main building, engine-room, and dressing-room, with engine, woolen and cotton preparation, carding, spinning, dressing, and weaving machinery complete	\$112,500 00
W O B—Tools and findings for said factory, viz: carpenter and machinists' tools, steel, iron, brass, copper, dye-stuffs, calf and sheep skins, French leather, finished rollers, bobbins and spools, and factory overseer's tools	6,000 00
W O B—Cotton yarn on spools, bobbins on warp and loom-beams and in looms, 19,600 pounds, at \$1.30	25,480 00
W O B—7-8 Lowells, 4,650 yards, at \$1.50	6,975 00
W O B—4-4 Lowells, 775 yards, at \$1.75	1,356 25
W O B—4-4 woolen goods, 3,508 yards, at \$3.50	12,278 00
Cotton, 730 bales, each 515 pounds, 375,950 pounds, at \$1.20	451,140 00
Cotton yarn in bundles in mill, 50 bundles, 250 pounds, at \$1.30	325 00
Cotton, carded, stock of roving, dressing-frames, and lint-room, 2,000 pounds, at \$1.30	2,600 00
66 hogsheads of sugar in factory and warehouse, averaging 1,100 pounds per hogshead, 72,600 pounds, at 5 cents	36,300 00
16 casks of rice in factory and warehouses, averaging 625 pounds per cask, 10,000 pounds, at 18 cents	1,800 00
Bacon in factory and warehouse, about 5,000 pounds, at 75 cents	3,750 00
Corn in corn-house, from 1,000 to 1,500 bushels, say 1,250 bushels, at \$1.50	1,875 00
Corn-meal in factory, two bacon-casks full, say 30 bushels, at \$1.75	52 50
Beans in factory, one rice-cask full, say 10 bushels, at \$3	30 00
W O B—Lard in factory, two pork-barrels full, say 560 pounds, at \$1	560 00
W O B—Lard-oil, two barrels in dressing-room, each 40 gallons, 80 gallons, at \$10	800 00
W O B—Southern machine-oil in dressing-room, three barrels, each 40 gallons, 120 gallons, at \$5	600 00
Nails, 6 kegs, 600 pounds, at \$1.25	750 00
20,000 pounds washed wool in wool-house, at \$2	40,000 00
12 dozen assorted files, at \$20	240 00
1,000 corn-sacks, 1½ yards Lowells in each, at \$2.50	2,500 00
1 engine and saw-mill complete and carrying-wagon	3,000 00

Out-buildings, including cotton-sheds, wool drying and storing house, corn-house, warehouse, overseer's house, operatives' cabins, framing for new factory building, doors, windows, stables, &c. as per D. Daley's (builder's) affidavit, including carpenters' tools	\$8,450 00
7,000 pounds fodder, at \$20 per thousand	140 00
1 barrel spirits of turpentine, 40 gallons, at \$2.50	100 00
Total	719,601 75
[Int. rev. stamp, cert.]	

B.—MONEY AND FUNDS TAKEN.

THE UNITED STATES OF AMERICA TO J. & T. GREEN,

DR.

1863.

May 15.—For funds taken from the vault of J. & T. Green's banking-house, as per receipt of Lieut. Col. J. W. Jefferson, United States Army, provost-marshal, one package containing confederate bonds.....		\$2,000 00	
May 15.—One package containing confederate notes		2,300 00	
May 15.—One package containing confederate notes		1,900 00	
May 15.—One package containing confederate bonds		2,700 00	
May 15.—One package containing confederate bonds		1,250 00	
May 15.—One package containing confederate bonds and notes		114,700 00	
May 15.—One package containing confederate notes		22,000 00	
Total confederate		146,850 00	
Less 33½ per cent. for assessed valuation		48,950 00	
			97,900 00
May 15.—One package containing good funds			144,700 00
May 15.—Texas indemnity bonds, in tin boxes			20,000 00
Total amount in par funds due.....			262,600 00
[Int. rev. stamp, cert.]			

JACKSON, Miss., May 15, 1863.

Received from Messrs. J. & T. Green the following :

One package said to contain a confederate bond, J. W. C. Watson	\$2,000 00
One package marked W. W. Wolverton, said to contain	2,300 00
One package marked Robert C. C. Hutchinson, marked	1,900 00
One package marked confederate bonds, J. D. McLeMore	2,700 00
One package confederate bonds, marked W. G. Parker	1,250 00
One large package containing bonds and cotton receipts, marked Joseph Menard, amounting to.....	144,700 00

The above property was taken by me per order of the commanding general, Mower, (one package marked \$144,700,) and will be subject to the order and disposition of the United States authorities.

J. W. JEFFERSON,
Lieut. Col. and Provost Marshal.

Also one tin box, contents unknown, marked H. R. Jennings, and one box marked Thomas Ruffe.

J. W. JEFFERSON,
Lieut. Col. and Provost Marshal.

[Int. rev. stamp, cert.]

The total claim is \$982,201.75.

It is alleged that on the 15th day of May, 1863, the cotton and woolen factory in the city of Jackson, belonging to J. & T. Green, with all its contents and surroundings, was burned by the military order of Major-General Grant, while the Federal Army occupied the city of Jackson. Said order was exhibited to Joshua Green, one of the firm of J. & T. Green, by General Sherman in person at the said factory; that at the time of said burning the said J. & T. Green owned the said factory, its contents, buildings, out-houses, dwelling-houses, operatives' cabins,

operatives' boarding-house, dry-house, cotton-shed, warehouse, stable, corn-house, saw-mill, &c.; that they, the said J. & T. Green, had in and about the said factory the articles named in the bill above stated; that the same were burned or destroyed by the Federal Army under said order; that he, the said J. Green, was the acting superintendent of said factory at the time of said burning, (the superintendent being absent;) that the bill of machinery, buildings, cotton, wool, yarns, sugar, bacon, findings, tools, &c., as stated, is just and true, and that the said J. & T. Green have not been paid or compensated for the same or any part thereof.

They allege that funds were taken from their banking-house to the amount stated.

They also allege that they hold a letter as follows :

HEADQUARTERS FIFTEENTH ARMY CORPS,
Jackson, Miss., May 16, 1863.

Messrs JOSHUA & THOMAS GREEN, *Present* :

GENTLEMEN: Your petition of yesterday, regarding the order of General Grant to destroy "all machinery, with their buildings, used or easily convertible into military arsenals of construction," is received.

I dislike to see the torch applied to anything which is the result of the toil or industry of any man or people, because of the hellish spirit it begets; but in war, as well as peace, prevention, foresight, may save a world of trouble.

Suffice it now to say, that if you appeal to the Congress of the United States you will be indemnified, for the machinery is destroyed for purely military reasons.

And if the families who are thus thrown out of employment will go to Grand Gulf, I undertake that they shall be well fed until they can find new homes.

I cannot undertake to explain all the reasons, though in conversation yesterday I indicated them in part. Suffice it now, that it is done by the highest military authority of the United States present in this department, for reasons good and sufficient to him; that all claims to humanity will be answered with interest to the families who can reach the Mississippi River, when our boats may reach them and supply them.

I am, with respect, your obedient servant,

W. T. SHERMAN.
Major-General Commanding.

If this were a claim which had any merit the alleged facts should be investigated by the Court of Claims, or the commissioners of claims, or some authority, with power to summon witnesses. There would be no safety in allowing such a claim on mere *ex-parte* evidence.

But the committee are satisfied that the claimants were not loyal, and, therefore, are not entitled to any compensation.

The committee also find that the seizure and destruction in whatever property was siezed and destroyed were *flagrante bello* in a State in rebellion, as a military necessity, and that the property was such as might add to the strength of the enemy and enable him to carry on hostilities.

The seizure and destruction were, therefore, justified by the laws of nations, and involved the Government in no liability.

The letter of Major-General Sherman, if given as claimed, imposes no liability on the Government. He was not in command, nor was the property seized or destroyed by his order. This was by order of General Grant, then in command. The letter was a mere expression of opinion but did not make law. The legal principles applicable to this case have been discussed in House Report No. 262, made at this session of Congress, March 26, 1874.

The committee are of opinion that the claim should not be allowed, and, to that end, report the same back with the recommendation that the same do lie on the table.

B. C. BAILEY.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. GERRY W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 488.]

The Committee on War-Claims, to whom was referred the bill (H. R. 488) for the relief of B. C. Bailey, of Bath, Me., for relief for damages sustained by the capture and destruction of his ship Argo by the United States flag-officer, make the following report:

The facts are these: The ship *Argo* was under a charter, in 1861, to proceed to City Point, Va.; thence to Bremen with a cargo of tobacco on foreign account; and thence to Quebec. While loading at City Point the ports of Virginia were blockaded, the proclamation of the President allowing to owners until the 15th of May, 1861, to load and clear their vessels. The *Argo* cleared from City Point the 12th day of said May, was proceeding on her voyage to Bremen, and on the 14th of May, at Hampton Roads, was seized and taken possession of by the United States flag-officer of the blockading fleet and sent to New York as prize-of-war, where she was held in custody by the officer of the United States until the 24th of May, when, by order of the Secretary of the Navy, no legal proceedings having been instituted, she was released, and subsequently returned to the custody of the captain.

The owner of the *Argo*, B. C. Bailey, claims of Government the ship's expenses in New York, the port to which she was taken, actually paid by him, amounting to \$2,051.60. Also, damages for detention from her seizure, the 14th day of May, at Hampton Roads, to the 31st of same month, the earliest possible day of departure on her voyage from New York, 18 days, at \$5.50 a ton a month, amounting to \$3,557.34. Also, for damages consequent upon her delay in New York, to wit, the loss of her return-cargo at Bremen, which was, by agreement, to have been taken on a given day; amount, \$3,000. Also, for extra insurance paid by reason of being late in the river St. Lawrence on her return-voyage, \$800. Also, for loss of two anchors and one cable, \$490. Also, for interest.

The disbursements and expenses in the port of New York were the direct result of the detention of the ship, and, properly vouched, amount to \$2,051.60.

The damages for detention, 18 days, were also directly resultant to the acts of the United States officers; but on examination it is found that vessels of this class were chartered during the years 1861-'62 at from \$4 to \$5.50 per ton per month. Estimating this ship of 1,078 tons at \$4.50 per ton, the amount will be \$2,816.64.

The other claims, as above set forth, do not fall within the same principle, the contingencies upon which they are based being remote and uncertain, and therefore cannot be recognized as just claims against the Government.

In the opinion of your committee, the evidence establishes a just claim to the amount of \$4,868.24, and they accordingly report the accompanying bill, and that it ought to pass.

The following papers are made a part of this report: The memorials of the claimant, protest and extension of same, letters of R. T. McCook, general clearance of ship, certificate of the Bremen consul, letters of the minister of Bremen, Secretary of State, Secretary of Navy, and Commodore Stringham; also vouchers for money paid.

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JOHN J. HAYDEN.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HOLMAN, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2798.]

The Committee on War-Claims, to whom was referred the petition and papers of John J. Hayden, asking compensation for services rendered by him to the United States in 1864, beg leave to report :

That it appears from the papers before the committee that Mr. Hayden was employed in January and February, 1864, by Hon. John H. Farquhar, late a member of the House of Representatives, and in 1864 captain in the Nineteenth United States Infantry, and mustering and disbursing officer, Indiana, to make up certain abstracts of draft-accounts for Indiana, and preparing a book of 2,700 checks ready for the signature of the disbursing officer. Colonel Farquhar states that this service occupied the time of Mr. Hayden for thirty nights; that the entire service was rendered after office-hours; that it was important for the public service that Mr. Hayden should perform this duty, as he was especially qualified for the same. Colonel Farquhar's certificate is as follows :

The United States to J. J. Hayden, Dr.

January, February, 1864. For services rendered Capt. J. H. Farquhar, Nineteenth United States Infantry, mustering and disbursing officer, Indianapolis, Ind., for 30 nights' services, after all other work of the day was finished in provost-marshal-general's office, in making up abstracts of draft-accounts for Indiana for 1862, and preparing a book of 2,700 checks ready for his signature in payment of said accounts—30 nights, at \$5 per night, \$150.

The duty in the provost-marshal's office was entirely independent, and in all cases that duty was fully completed for each day and evening before the above work was prosecuted.

I certify that the above account is correct and just; that the services were rendered as stated; and that they were necessary for the public service. Judge Hayden was familiar with, and associated in, the work of the draft-commissioner in 1862, and devoted night-hours to the above work, entirely independent of the demands of other duty, to enable me to complete the work devolved upon me.

JOHN H. FARQUHAR,
Late Capt. Nineteenth U. S. Inf., M. and D. Officer, Indiana.

Received, &c.

J. J. HAYDEN.

Mr. Hayden was a clerk in the office of the provost-marshal-general of Indiana.

Your committee would not deem it proper in a time of peace to permit a public officer to receive extra compensation for official services

but as this service was rendered under the pressure of urgent public necessity, and outside of office-hours, and in a different employment from that in which Mr. Hayden was engaged, and under special employment of Colonel Farquhar, and was of special public value, as stated by Colonel Farquhar in a letter now before the committee, dated January 19, 1869, your committee think this claim is an unexceptional and meritorious one, and should be allowed, and are of the opinion that such allowance cannot give rise to any questionable precedent. Colonel Farquhar says, in the letter referred to, "Judge Hayden was under no obligation to perform the service, and undertook it at my earnest solicitation, with confident expectation of extra pay, and a desire to serve the Government. I know that his services were indispensable, and that the amount charged is reasonable and should be paid."

Under these circumstances your committee report the accompanying bill, and recommend its passage.

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WILLIAM ROOD.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

REPORT :

[To accompany bill H. R. 1220.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1220) for the relief of William Rood, late a private of Thirty-sixth Regiment Wisconsin Volunteers, have examined into the case, and submit the following report :

William Rood was mustered into the service March 16, 1864, for three years. It seems that about the 30th of April, 1864, and before this soldier left the State of Wisconsin to enter into active service, he went home to see his parents and look after some business matters, without leave, and was marked on company-roll as a deserter. He was wounded at Cold Harbor 3d June, 1864, and died of his said wounds at Turner's Lane Hospital, Philadelphia, July 14, 1864. He was never tried for desertion, and was put into the fight at Cold Harbor and mortally wounded. His father asks that the charge of desertion be removed from his son's name, and that the father shall be allowed and paid back pay, bounty, and additional bounty. It is apparent that this soldier did not mean to desert, and was absent without leave because of ignorance of Army rules. The shedding of his blood for his country ought to wash out the offense of absence without leave, and your committee report back the bill, with a recommendation that it do pass.

DAVID W. STOCKSTILL.

APRIL 3, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2799.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2799) for the relief of David W. Stockstill, of Sidney, Ohio, have had the same under consideration, and beg leave to submit the following report:

That said Stockstill was drafted in Shelby County, Ohio, on the 27th day of September, 1864, and assigned to Company D, Fifty-first Regiment Ohio Volunteers; and on the 19th day of December, 1864, he paid \$700 for Frank Schooly, as a substitute, who was also mustered into service in the same company, and who served during the war. The fact that this substitute was procured was reported to Colonel Wood, commanding said regiment, who refused to discharge Stockstill, the orders of General Thomas forbidding any such release. Both soldiers served during the war, and Stockstill asks that the \$700 and interest be refunded to him. This seems reasonable, but the Government does not pay interest on claims, and your committee recommend the passage of the bill with the words "with interest from the 19th day of December, 1864," stricken out.



JOHN BURKE.

APRIL 3; 1874.—Ordered to be printed.

Mr. HUNTON, from the Committee on Military Affairs, submitted the following

R E P O R T :

The Committee on Military Affairs, to whom was referred the memorial of John Burke, late first lieutenant Company F, Seventy-third Ohio Volunteers, have had the same under consideration, and submit the following report :

John Burke was a private in said company, and about the 20th February, 1865, Colonel Hurst, commanding the regiment, informed him he had a commission as first lieutenant for him; that from the receipt of commission Burke performed the duties of first lieutenant of said company. Being in the field and on the march he could not be mustered till 28th March, 1865. He claims pay as first lieutenant from 20th February to 27th March, 1865; also the three months extra pay to all officers in the service on 3d day of March, 1865, under act approved July 13, 1866. (Vol. 14, Stat. at L., p. 94.)

It will be seen from a letter from the Adjutant-General that there was no vacancy in the position of first lieutenantcy of this company till 29th March, 1865, and that John Burke was borne on the rolls of his company as private prior to the muster for March and April, 1865. The governor of his State had no power to commission and the colonel no power to appoint till a vacancy existed, and in consequence John Burke was not entitled to the position of pay of first lieutenant till 28th March, 1865. Your committee report adversely to the prayer of the petitioner.

BENJAMIN CRAWFORD.

APRIL 3, 1874.—Committed to the Committee on War-Claims and ordered to be printed.

Mr. J. T. HARRIS, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2800.]

The Committee on War-Claims, to whom was referred the petition of Benjamin Crawford, having considered the same, submit the following report:

Benjamin Crawford presents a claim arising out of the alleged use of a patent known as the Crawford patent steam-blower, and belonging to the claimant.

This invention is a device by which the foul matter accumulating in the flues of the boiler is forced out and the draught much increased.

From the testimony it appears that the invention is a valuable one, and was of great value to the Government on vessels employed in military operations in the western waters.

Samuel Bickerstaff, late fleet-engineer United States Mississippi squadron, states in his certificate that "the live steam-blower, in my opinion, was indispensable to the success of the vessels in the Mississippi squadron in cases where they were compelled to get up steam at short notice. For instance, in the case of the ram fight at Fort Pillow, and the gun-boat fight at Memphis, and many other like cases I might mention, where the gun-boats were forced into immediate action by the enemy. The advantages derived by the use of the live steam-blower in the cases I have mentioned, where the vessels are lying with banked fires, are incalculable. They are enabled to go into immediate action, which otherwise they could not do for a considerable length of time."

From the proofs it appears that 408 of these steam-blowers were used on 124 Government vessels during the war.

In an official letter from the Navy Department it is intimated that steam-blowers were on the vessels when purchased by the Government.

In opposition to this statement the claimant, Mr. Crawford, has filed a sworn statement of all the vessels on which his patent was ever placed, with the right of using the same from the patentee, and none of these vessels are included in the list of vessels belonging to the Government on which the patent steam-blower was used, and on account of which he asks compensation.

The liability of the Government is the same whether the patent blower was placed on board the vessels by the Government or by those of whom the Government purchased, unless the right to use the patent accompanied the patent itself.

It appears that Mr. Crawford was the inventor and proprietor of a

valuable invention, which has been of great use to the Government, and for which he has received no compensation.

The committee, therefore, recommend the payment of \$5,000, in full consideration for the use of said patent. The claimant seeks to recover \$10,200, the usual charge for a like number of blowers sold in the usual course of business, but your committee are of opinion that, in case of so large a sale, \$5,000 will be ample compensation. They recommend the passage of a bill for that amount.

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MAJOR C. S. UNDERWOOD.

APRIL 4, 1874.—Ordered to be printed.

Mr. GUNCKEL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1193.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1193) for the relief of the estate of the late Maj. C. S. Underwood, paymaster United States Army, beg leave to report:

That it appears from the copies of records, affidavits, &c., submitted, that Maj. Cornelius S. Underwood was appointed an additional paymaster United States Army on 30th of May, 1864, and was immediately assigned to duty in the pay district of Washington, D. C. On 16th of February, 1865, about 10 o'clock a. m., he received orders from Col. E. E. Paulding, chief paymaster of said pay district, to proceed to Baltimore, Md., and pay the Twenty-fourth Michigan Volunteers, then *en route* to Springfield, Ill., where it had been ordered; that Major Underwood at once procured the necessary funds from the Treasury, and went to Baltimore, arriving there late in the afternoon of the same day, and taking rooms at the Eutaw House. He found the regiment under orders to leave Baltimore at six o'clock the next morning, and as he could not detain the regiment another day, he was compelled to make the payment during the night. He commenced about nine o'clock in the evening, and continued all night and until between five and six o'clock the next morning, when he placed the funds remaining in his hands in a tin box, which he took to the Eutaw House and placed in the hotel-safe, where it remained until about eleven o'clock of the same day, when he took the box to his room to pay a few soldiers who had been on duty the night before, and a few others who had returned during the night from furlough. After paying these, the remainder of the money was placed in the tin box and kept in the room for the purpose of paying the brigade band, which was momentarily expected. The band not coming so soon as had been expected, and Major Underwood being much exhausted from loss of sleep and continuous labor, placed the box with the public funds, for safe keeping, in hands of his clerk, Charles White, who had assisted him in making these payments. Underwood then went into the adjoining room, and there slept until about seven o'clock the same afternoon, when he was awakened to learn that the tin box with the said funds had been stolen. It appears from the testimony of White, that he kept the box, which he says contained \$8,122, in his personal charge until about six o'clock, when he left the box in the room, locked the door and went to tea, and after an absence of about twenty minutes returned to find the door unlocked, and the box and money gone. Major Under-

wood was immediately awakened, and the police informed, and diligent efforts made in every possible way to recover the money or discover some clew to the robbery, but without success. The facts were also immediately reported to the Paymaster-General, and an investigation made by the Paymaster-General himself. The result is indicated in the following statement by Brig. Gen. B. W. Brice, late Paymaster-General, made April 3, 1872: "I do not now remember the particular circumstances connected with the robbery in question, but I remember well the general fact that inquiry and investigation convinced me at the time that neither criminality nor want of reasonable care and diligence could attach to the paymaster, Major Underwood. In this view the Secretary of War (Stanton) concurred with me, and authorized the re-assignment of Underwood to disbursing duty, notwithstanding the existence of a standing order that no paymaster in default should, during the existence of his defalcation, be intrusted with public funds or placed on disbursing duty. Major Underwood continued on duty till honorably mustered out of service, and bore the reputation always of an industrious and faithful officer."

This report was referred by Gen. B. Alvord, Paymaster-General, to the Second Comptroller of the Treasury, with the following indorsement:

Respectfully returned to the Second Comptroller.

It appears from the testimony herewith that Major C. S. Underwood was a faithful and industrious officer; that he occupied the whole night of the 16th of February, 1865, in paying the Twenty-fourth Michigan Volunteers. Thus much consideration is due toward him on account of the necessary exhaustion from such labors. It is just to look at character, in this question, and the 2d section of the act of 23d June, 1870, provides that the allowance shall be made only to those officers in whose accounts there is no apparent fraud. I am inclined thus to recommend that he receive the benefit of said act, although the neglect of his clerk to secure the tin box containing his funds while he was gone to supper deserves reprehension. If Major Underwood in this case was to be held to the strict technical rules of law, he could be considered responsible for the neglect of his clerk. But it is the purpose of this act (as also of that of 16th of March, 1868) to relax those rules, in favor of faithful officers, on principles of equity and justice.

In a conference with the Second Comptroller and Second Auditor, a few days since, they both concurred with me in thinking that under the act of 23d of June, 1870, a credit to the extent of \$5,000 could be allowed in cases where the loss was larger than that amount.

Therefore I recommend that Major Underwood be granted a credit of \$5,000 in this case.

Please see Generals Brice's indorsement hereon.

BENJ. ALVORD,

Acting Paymaster-General United States Army.

PAYMASTER-GENERAL'S OFFICE, April 13, 1872.

It was afterward referred by Second Comptroller to Paymaster-General, and by him to the Secretary of War, who indorsed it as follows:

WAR DEPARTMENT, April 22, 1872.

The recommendation of the Paymaster-General in this case is approved.

W. W. BELKNAP,

Secretary of War.

After said credit of \$5,000, there remained a balance charged against Major Underwood, of \$3,101.48.

He has since deceased, and his heirs seek relief from the unsettled account.

Your committee agree with Paymaster-General Alvord "that the evidence is so strong of a faithful, industrious, and honorable career as paymaster, and his record so clear, that it would be an act of justice to grant the relief asked," and therefore recommend the passage of the bill.

REPORT

OF THE

COMMITTEE ON MILITARY AFFAIRS

OF THE

HOUSE OF REPRESENTATIVES

UPON THE

**REDUCTION OF THE MILITARY ESTABLISHMENT AND
IN RELATION TO THE FORTIFICATIONS AND
WORKS OF DEFENSE.**

APRIL 6, 1874.—Recommitted to the Committee on Military Affairs and
ordered to be printed.

[To accompany bill H. R. 2546.]

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1874.



**REPORT TO ACCOMPANY THE BILL (H. R. 2546) TO PROVIDE
FOR THE GRADUAL REDUCTION OF THE ARMY OF THE
UNITED STATES.**

APRIL 6, 1874.—Recommended to the Committee on Military Affairs and ordered to be printed.

Mr. COBURN, from the Committee on Military Affairs, made the following

R E P O R T :

The majority of the Committee on Military Affairs, which was instructed to inquire into the expediency of reducing the Army, and the expenditures on fortifications and sundry bills of the House relative to changes in the organization of the Army, having had the same under consideration, submit the following report :

The committee have examined a large number of witnesses, composed of gentlemen of intelligence and prominence both in the Army and civil life, and have accumulated a large amount of testimony upon the subjects named, which must of itself be of no little value as an aid to intelligent legislation upon all matters involved in the investigation. The range of inquiry covered the numbers of officers and soldiers of the Army, and the expense of their maintenance, and in addition the organization of both the line and the staff, and also involved not only the location and stations of the Army, but its present and prospective use, for the purpose of maintaining peace in the States and with the Indian tribes.

The committee find that at present the Army has very little active service to perform outside of the neighborhood of mischievous and unfriendly Indians. The troops stationed upon the lakes, the Atlantic and Pacific sea-boards, and in the Southern States, except in a few localities, have no employment but the ordinary routine of soldiers' duties in time of profound peace. The presence of troops is necessary to maintain peace and protect life and property among some of the Indian tribes of Texas, New Mexico, Arizona, Indian Territory, Colorado, Dakota, and Montana. In a word, the work of the Army and its cost are almost entirely connected with the Indians.

That the troops stationed in those regions are ample to do this duty is the concurrent testimony of those best informed. The number of troops in the Department of the Lakes and on the Atlantic and Pacific sea-board is about 5,000, constituting a reserve which heretofore could be drawn upon in case of emergency, and is deemed now of little use, as the policy of reconciling and pacifying the Indians progresses to a successful completion. Beside these there is a large number of troops stationed in the interior, having no special duty to perform.

The committee, therefore, deem it not to be unsafe to reduce the Army, now composed of thirty thousand men, to twenty-five thousand men of all arms. They found it necessary to inquire into the expediency of reducing the number of officers as well as men in the Army. It was found that the annual average decrease in the number of officers was about eighty-three. The number of troops in seven regiments is

about equal to five thousand men. It is believed that the number of officers should be reduced with the men; and recommend that five regiments of infantry, one of cavalry, and one of artillery be disbanded after the first of January, 1875, and that the officers be assigned to other duties in other regiments, or to details in the staff corps. Many vacancies will necessarily occur in the official list, both of the staff and line, and it is believed that in a short time the supernumerary force will be all absorbed and put upon regular duties.

The offices of regimental adjutant and quartermaster can be filled by lieutenants from the line, and the efficiency of the service not impaired. The three majors in each of the cavalry and artillery regiments are found to be more than the service requires in time of peace, and the committee recommend their reduction to two in each of such regiments. Some officers hold that one major is enough for any regiment, and that these arms of the service should be placed on the same footing as infantry. These are places that can be readily filled in time of war, and no special training in the office itself is deemed necessary in advance, the duties being parallel to those of officers of inferior rank.

It was also found to be expedient to reduce the staff in certain respects; and to provide, in addition, that certain portions of the staff shall not be filled permanently, but by details from the line, thus saving the expense of permanent officers in the staff, and giving officers of the line a fair opportunity to become acquainted with many of the most important duties of the staff, and *vice versa*. No doubt it is true that officers of the staff may be benefited by service in the field with the troops, may become familiar with the duties of the line, and thus rendered more capable and efficient in great emergencies. A system of details gives to the Army an opportunity to have a selection of the best talent for staff duties, in addition to the highest degree of training and development. Certain branches of the staff which require high professional knowledge and skill, or great scientific attainments, such as the medical and legal departments and the Engineer Corps, would not admit of the application of this principle. To be a skillful physician, to be a profound lawyer, to be an able engineer, requires devotion to a specialty for years and thorough and long-continued study. No officer of the Army could be detailed to act in either corps with safety. But the duties of adjutant-generals, inspectors, quartermasters, and commissaries come within the range of the knowledge and capacity of all of the officers of the Army, and they may be performed without difficulty by them.

It is believed that the Pay Department for the present number of troops is too large, and that it may be reduced with the Army. The present number of paymasters is forty-two, beside the Paymaster-General and two assistants and one deputy paymaster-general. The payment of a thousand men six times a year ought not to be regarded as a heavy task for a single paymaster, aided by his clerk, and it is believed that efficient management will prove this to be possible.

They recommend, in aid of the paymasters, a system whereby drafts on the Treasury may be used instead of cash or currency payments—a practice assimilated to the payment of pensions, which has been found to work well. The drafts pass as currency in the most distant parts of the country where pensioners reside, and they find no difficulty in cashing them. It is left discretionary with the Secretary of War to dispense with this system where it works hardship or is inconvenient. It is believed that it will save the paymasters time and trouble and the Government expense.

A reduction has not been reported in the Corps of Engineers, for the reason that their labors are constantly increasing. The works for public defense require a portion of their time, while the surveys of rivers and harbors, and the construction of their various improvements, occupy not only all of the remainder of their time, but that of a very large number of civil engineers.

The medical staff is opened to promotion and appointment, and a number, deemed ample, provided for in view of the reduced numbers of men and posts of the Army. The work of filling it up will be gradual, and it is expected that in two years the corps will be full of well qualified officers.

A provision has been made for the resignation of officers, with one year's pay and allowances. This will afford an opportunity for those resigning to go into private life with a slight advantage, and is identical with former provisions of law. And in order that no officer may have injustice done him, it is expressly provided that he shall not be reduced in rank or mustered out by reason of the reduction in numbers and the consolidation contemplated. The only measure by which officers may lose their places in the service is that by which a board removes those personally unfit for the discharge of their duties. This does not apply to those who have incurred disability in the line of duty. Officers who are unworthy may thus be removed from the Army. Those who have been over thirty years in service are to be placed on the retired list.

The committee hesitate to do anything, by way of recommendation, that would have the appearance of harshness, and have, they believe, saved harmless every meritorious officer in the Army. Cases of hardship may occur, but a wise and careful administration of the law will insure justice in every possible case that may arise.

The committee have considered the matter of the works of public defense, and find that to complete them and fit them with an ample armament would cost a very large amount, much greater than the Government is ready now to expend. This, in connection with the improvements in heavy rifled cannon and iron-clad ships, has unsettled the problem of sea-coast defense, and induced the belief that heavy expenditures at present, while the construction of guns, iron-clads, and works of defense are in a transition state, are not advisable. Our sea-coast cities should not be left defenseless against sudden inroads by foreign powers, and prudence dictates a moderate outlay until experiments enable our officers to determine upon the best class of guns to be had at the most reasonable cost. When this is done, the task of completing the coast-defenses should be steadily pursued.

The reductions in all branches provided for amount to the sum of four million three hundred and two thousand five hundred and thirty-two dollars. This sum is made up of—

One million nine hundred and eighty-five thousand seven hundred dollars for five regiments of infantry;

Eight hundred and forty-two thousand two hundred dollars for one regiment of cavalry;

Four hundred and ninety thousand two hundred and fifty dollars for one regiment of artillery;

Three hundred and five thousand six hundred and ninety-six dollars for the reduction in majors, regimental adjutants, quartermasters and wagoners;

Fifty-nine thousand four hundred and forty-eight dollars in the reduction of the Adjutant-General's Department;

Twenty-seven thousand one hundred and twelve dollars in the reduction of the Inspector-General's Department;

Nineteen thousand seven hundred and thirty-six dollars in the reduction in the Bureau of Military Justice;

One hundred and thirty-one thousand nine hundred dollars in the reduction of the Quartermaster's Department;

Forty-eight thousand five hundred and sixty-two dollars in the reduction of the Subsistence Department;

One hundred and seventy-seven thousand nine hundred and sixteen dollars in the reduction of the Medical Department;

One hundred and twenty-four thousand two hundred and sixteen dollars in the reduction in the Pay Department; and

Eighty-nine thousand seven hundred and ninety-six dollars in the reduction of the Ordnance Department.

These reductions will take place gradually, but the larger part of them will occur within a year and continue until the whole work is accomplished. The organization of the Army is to be left as complete as before, without any material or radical change; capable of expansion to the largest demands, and ready to meet the gravest emergencies.

The committee find in some parts of the military establishment a disregard of expenditures that is worthy of correction. As an instance may be mentioned the unnecessarily large amounts paid for rent and officers' quarters of headquarters of the various military divisions and departments. The fact is that the large sum of \$464,015.72 thus annually expended leads to the apprehension that in other matters, less apparent, the same extravagant expenditures may be allowed. The removal of regiments great distances is another source of vast expense, and can be justified by no rules that should govern economical administration. A plan might be adopted by which the men could be allowed to remain and the officers transferred. The men are not permanent, while the officers are. The men go out of service in a few years, many desert, others are discharged, and but a small per cent. serve five years.

The signal-service system is becoming too extensive and costly, the annual expenditure for the last fiscal year being—

For pay	\$110,634 00
For fuel, forage, &c., for officers and commutation of fuel, quarters, and extra-duty pay of enlisted men	125,345 52
For rations and commutation of rations for enlisted men	110,070 00
For clothing	30,355 00
For transportation	16,476 09
For rent office of the Chief Signal-Officer, gas, burial-expenses, expressage, &c.	13,000 00
For medical expenses	950, 00
For horses, means of transportation, forage, &c., at Fort Whipple	10,800 00
Total	417,680 61

In addition to this sum, it is estimated that the expenditures for the present year will amount to the sum of \$353,500, which will be needed for instruments, telegraphing, signal-equipments, field-telegraph trains, for expenses of storm-signals displayed at ports, river-reports, for maps and bulletins to be displayed in chamber of commerce and board of trade rooms, life-saving stations, farmers' bulletins, maps, printing, and expenses of every description for the service in its especial duties for the Army and for the benefit of commerce and agriculture at all of the stations. These items cost during the last year \$216,733. The whole system should be more evenly distributed over the country and limited in extent. The value and importance of this service to business and to

science can hardly be estimated, but is believed that it has been effectual in preventing many losses and disasters of a serious nature, and has added many valuable facts to the stores of scientific research.

The committee have prepared the following bill, and recommend its passage :

A BILL to provide for the gradual reduction of the Army of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the cavalry, artillery, and infantry regiments of the Army of the United States there shall be no new commission, no promotion, nor any enlistment until the number of regiments of cavalry shall be reduced to nine; the number of regiments of artillery to four; and the number of regiments of infantry to twenty. And the Secretary of War is hereby directed to reduce, by consolidation, the present numbers of these regiments, respectively, to the numbers hereinbefore stated, as rapidly as the requirements of the public service and the reduction of the number of officers will permit.

SEC. 2. That the number of enlisted men in the Army of the United States shall be reduced, on or before the first of January, eighteen hundred and seventy-five, to the number of twenty-five thousand men; and this number shall not be increased except by law.

SEC. 3. That the President of the United States be, and he is hereby, authorized, at his discretion, to discharge honorably, from military service, all Army officers who may apply for a discharge on or before the first day of January next; and such officers so discharged under the provisions of this act shall be entitled to receive, in addition to the pay and allowances due them at the date of their discharge, one year's pay and allowances.

SEC. 4. That the grade of regimental adjutant and quartermaster and the grade of company-wagoner are hereby abolished; and the lieutenants now holding the offices of regimental adjutant and quartermaster may be assigned for duty to companies in their regiments, and shall fill the first vacancies that shall occur in their respective grades therein; and nothing herein shall affect their relative rank with other lieutenants of their grade.

SEC. 5. That each regiment of cavalry shall have two majors, and the present number shall be reduced as vacancies occur; and no appointments shall be made to fill the same until the number of such majors shall be reduced to eighteen; and that number thenceforward shall be the total number of majors of cavalry; and that each regiment of artillery shall have two majors; and the present number shall be reduced as vacancies occur; and no new appointment shall be made to fill the same until the number of such majors shall be reduced to eight; and that number thenceforward shall be the total number of majors of artillery.

SEC. 6. That the number of aids of the General of the Army shall not hereafter exceed three; the number of aids of the Lieutenant-General and of the several major-generals shall not exceed two for each; and each brigadier-general shall have one aid. The rank, pay, and emoluments of the aids herein provided for shall be the same as officers of cavalry of the same grade, and no more.

SEC. 7. That the Adjutant-General's Department of the Army shall hereafter consist of one Adjutant-General, with the rank, pay, and emoluments of a brigadier-general; one assistant adjutant-general, with the rank, pay, and emoluments of a colonel; one assistant adjutant-

general, with the rank, pay, and emoluments of a lieutenant-colonel; and four assistant adjutants-general, with the rank, pay, and emoluments of majors. As vacancies occur in the grade of major, no appointment to fill the same shall be made until the number shall be reduced to four; and thereafter the number of permanent officers in said grade shall continue to conform to said reduced number. And there shall be in addition eight assistant adjutants-general, with the rank, pay, and emoluments of captains of cavalry, to be detailed from the officers of the line of the Army.

SEC. 8. That the Inspector-General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspectors-general: *Provided*, That officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry-officers of their respective grades; and no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

SEC. 9. That the Bureau of Military Justice shall hereafter consist of one Judge-Advocate-General, with the rank, pay, and emoluments of a brigadier-general; and the said Judge-Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge-Advocate-General of the Army. And of the judge-advocates now in office there may be retained a number not exceeding four, to be selected by the Secretary of War, who shall perform their duties under the direction of the Judge-Advocate-General, until otherwise provided by law, or until the Secretary of War shall decide that their services can be dispensed with; and no new appointment shall be made in the Bureau of Military Justice until the number of officers therein is reduced to five.

SEC. 10. That the Quartermaster's Department of the Army shall hereafter consist of one Quartermaster-General, with the rank, pay, and emoluments of a brigadier-general; three assistant quartermasters-general, with the rank, pay, and emoluments of colonels; six deputy quartermasters-general, with the rank, pay, and emoluments of lieutenant-colonels; ten quartermasters, with the rank, pay, and emoluments of majors; and twenty assistant quartermasters, with the rank, pay, and emoluments of captains of cavalry; and there shall be in addition ten assistant quartermasters, with the rank, pay, and emoluments of first lieutenants of cavalry; and no appointments to fill the same permanently shall be made, but the same shall be filled by detail from the lieutenants of the line of the Army.

SEC. 11. That the Subsistence Department of the Army shall hereafter consist of one Commissary-General of Subsistence, with the rank, pay, and emoluments of a colonel; three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonels; five assistant commissaries of subsistence, with the rank, pay, and emoluments of majors; and fourteen commissaries of subsistence, with the rank, pay, and emoluments of captains of cavalry. As vacancies shall occur in the grade of captain, no appointment to fill the same shall be made until the number shall be reduced to eight; and thereafter the number of permanent officers in said grade shall continue to conform to said reduced number; and the remainder, six in number, shall be filled by detail.

SEC. 12. That the Medical Department of the Army shall hereafter

consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, with the rank, pay, and emoluments of a colonel; one chief medical purveyor, and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymaster-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law; and all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination; and the Secretary of War is hereby authorized to appoint, from the enlisted men of the Army, or cause to be enlisted, as many hospital stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe.

SEC. 13. That the Pay Department of the Army shall hereafter consist of one Paymaster-General, with the rank, pay, and emoluments of a colonel; one assistant paymaster-general, with the rank, pay, and emoluments of a lieutenant-colonel; two deputy paymasters-general, with the rank, pay, and emoluments of majors; and thirty paymasters, with the rank, pay, and emoluments of majors.

SEC. 14. That from and after the first day of July, eighteen hundred and seventy-four, all muster and pay rolls, when made out, shall be forwarded to the paymaster of the department for which such muster and pay rolls are made out; and the said paymaster shall make out drafts, drawn on the Treasury of the United States, for the amount due to each person respectively whose name shall appear on said muster and pay rolls; and each of said drafts shall be made payable to the person who shall be entitled to receive such amount. And the said paymaster shall immediately send all such drafts, together with the aforesaid muster and pay rolls, to the officer by whom such muster and pay rolls were made out; and the said officer shall deliver such drafts severally to the persons who shall be entitled to receive them, and who shall have signed the proper pay-roll; and, at any time after receiving such draft, the payee, at his discretion, may indorse it in the presence of his commanding officer, who shall attest such indorsement by his signature: *Provided*, That the Secretary of War may, in his discretion, in cases where troops are located at remote points, or where payments as heretofore provided would work hardship to the men, direct payment in currency, as heretofore.

SEC. 15. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, fifteen captains, sixteen first lieutenants, and ten second lieutenants, with the same pay and emoluments as now provided by law. And as vacancies occur in the grade of first lieutenant no appointment to fill the same shall be made until the number shall be reduced to ten; and thereafter the number of permanent officers in said grade shall conform to said reduced number; and the remainder, six in number, shall be filled by detail from the officers of the line of the Army; and as vacancies shall occur in the grade of second lieutenant no permanent appointment shall be made to fill the same until the number shall be entirely reduced; and thereafter the

same, as far as shall be required by the exigencies of the service, shall be filled by detail from the officers of the line of the Army: *Provided*, That no new appointment of ordnance store-keeper shall be made until otherwise provided by law.

SEC. 16. That whenever a vacancy shall occur in any department or corps of the staff which is to be filled by detail, it shall be the duty of the Secretary of War to fill the same from the officers of the line of the Army of the same or the next lower grade, for a period not to exceed four years with the same officer. And he shall appoint a board of not less than five officers, three of whom shall be of the line and two of the staff, to conduct competitive examinations of all officers who may be applicants or may be recommended to be detailed to fill such vacancies. And the Secretary of War shall detail those having the most favorable recommendations of said board, and not more than five officers from one regiment shall be so detailed at one time. And at the end of four years any officer so detailed may be transferred to other staff-duties for another term of four years, at the end of which time he shall be returned to his duties with his regiment unless he shall be appointed permanently to fill a vacancy in the staff. And no officer shall be detailed or appointed to serve in any department or corps of the staff until he shall have served at least four years in the field with the troops if above the grade of second lieutenant, and if a second lieutenant at least two years upon such duty consecutively. And no officer shall serve in any one department or corps of the staff by detail for a longer period than four years consecutively.

SEC. 17. That no officer now in service shall be reduced in rank or mustered out by reason of any provision of law herein made reducing the number of officers in any department or corps of the staff, or by reason of the consolidation of regiments, as hereinbefore provided.

SEC. 18. That the General of the Army and commanding officers of the several military departments of the Army shall, as soon as practicable after the passage of this act, forward to the Secretary of War a list of officers serving in their respective commands deemed by them unfit for the proper discharge of their duties from any cause except injuries incurred or disease contracted in the line of their duty, setting forth specifically in each case the cause of such unfitness; the Secretary of War is hereby authorized and directed to constitute a board, to consist of one major-general, one brigadier-general, and three colonels, three of said officers to be selected from among those appointed to the Regular Army on account of distinguished services in the volunteer force during the late war; and, on recommendation of such board, the President shall muster out of the service any of the said officers so reported, with one year's pay; but such muster-out shall not be ordered without allowing such officer a hearing before such board to show cause against it: *Provided*, That any officer who shall have served in the Army thirty years, and who may be removed from service under the provisions of this section, may be placed upon the retired list of the Army.

SEC. 19. That as vacancies shall occur in any of the grades of any department or corps of the staff, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of this act; and thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers.

SEC. 20. That this act shall take effect and be in force from and after its passage.

SUMMARY OF SAVING BY THE PROPOSED REDUCTION OF THE ARMY.

	Expense un- der exist- ing law.	Expense by provision of bill.	Reductions.
Majors, adjutants, quartermasters, and company wagoners.....	\$415,560	\$109,864	\$305,696
Adjutant-General's Department.....	87,348	27,900	59,448
Inspector-General's Department.....	42,492	15,380	27,112
Bureau of Military Justice.....	34,192	14,456	19,736
Quartermaster-General's Department.....	279,924	148,024	131,900
Subsistence Department.....	116,548	67,986	48,562
Medical Department.....	726,600	148,684	177,916
Pay Department.....	258,308	134,092	124,216
Ordnance Department.....	159,036	69,240	89,796
Annual cost of one regiment of cavalry.....	842,200	None.	842,200
Annual cost of one regiment of artillery.....	490,250	None.	490,250
Annual cost of five regiments of infantry.....	1,985,700	None.	1,985,700
Total.....	5,438,158	1,135,626	4,302,532

REDUCTION OF THE MILITARY ESTABLISHMENT.

WASHINGTON, D. C.,

Tuesday, January 6, 1874.

At the request of the Committee on Military Affairs, General William T. Sherman appeared before it to give information with reference to the army.

The CHAIRMAN inquired whether the army could be reduced in number with advantage to the country, and if so, what was the best method of effecting the reduction.

General SHERMAN. May I state, by way of parenthesis, that the regular army now is a very curious compound. It consists of ten regiments of cavalry, five of artillery, and twenty-five regiments of infantry. To these are superadded many staff departments; a battalion of engineers; general service recruits; the ordnance detachment; the West Point detachment; signal service detachment; hospital stewards; ordnance sergeants and commissary sergeants. These constitute what is, in law, termed the military peace establishment. Whether a peace establishment is technically an army or not is for you, gentlemen, and not for me to determine. In my office I have no authority, control or influence over anything but the cavalry, artillery, and infantry, and such staff officers as are assigned by their respective chiefs, approved by the Secretary of War, and attached to these various military bodies for actual service. I would term these—the cavalry, artillery, and infantry, with their respective officers serving with them—the army of the United States. The rest simply go to make up the military peace establishment. As a matter of self-interest, as well as of opinion probably, (that of a soldier in contradistinction to that of a citizen) I do not think that this force should be reduced in number, either as a nucleus on which to build a future military establishment, or as a force to meet the exigencies of the present state of our country. If, therefore, the necessity for economy is so urgent, I advise that the pruning-knife be applied to what I would call those branches of the military peace establishment outside of the active regiments. Whether such a pruning-knife can be applied with wisdom or not, I cannot say, but my judgment is that the present ten regiments of cavalry, five regiments of artillery, and twenty-five regiments of infantry cannot be reduced in numbers or efficiency, consistent with the good of this country.

The CHAIRMAN. Can any of the military posts that are now occupied be abandoned advantageously?

General SHERMAN. They are daily, weekly, and monthly, being reduced as fast as settlements supply their places. Some of what are called military posts, are mere collections of huts made of logs, adobes, or mere holes in the ground, and are about as much *forts* as prairie-dog villages might be called *forts*. These are being abandoned every day. There are certain strategic or key points all over the United States, from Maine to Louisiana, and from Louisiana back again to Oregon, which we ought to hold forever, as a people, in the military interests of the nation. I think there may be nearly two hundred posts now occupied, not *forts*,

but mere posts occupied by the present army. These probably, in the progress of development and of history, will be concentrated down to thirty or forty. On our sea-board, my judgment has always been that we occupy too many little insignificant posts called forts or batteries, which might as well be washed into the sea, and the quicker the better. There are a great many arsenals, over which I have no control, which in my mind are worse than useless; and I have no doubt that we occupy a great many posts in the Indian country to-day, which next week or the week after we may abandon with profit, but which cannot be abandoned by an order from Washington without exposing life and property.

I have in my hand a statement prepared by the Adjutant-General of the Army, which indicates every post from which post returns are made. I have not made up this statement myself, and would have to go over each item in order to answer your question fully, and I rather think that that is more than you expect. This paper gives a list of every post from which post returns are made. Detachments may be, and often are, sent out from those posts to other points not named herein, but they are called back again. These constitute the regular posts. For instance, the First Cavalry occupies Benicia Barracks, California; Fort Klamath, Oregon; Camp McDermot, Nevada; Fort Lapwai, Indian Territory; Fort Walla-Walla, Washington Territory; Camp Harney, Oregon, and Camp Halleck. These are six or seven distinct posts, stretched from our northern boundary down into Nevada, a distance of about eight or nine hundred miles of frontier, right in the midst of Indians. Now for me, or for the Secretary of War, or for the President of the United States to order a discontinuance of any one of these posts, would be simply to expose life and property in the neighborhood to immediate danger. Therefore I answer that question in the negative. We cannot order the discontinuance of any of these forts.

The CHAIRMAN. State whether or not the Indians there are hostile in their conduct and character?

General SHERMAN. They are of a mischievous nature; semi-hostile; and would be converted into hostile the very moment troops are withdrawn. Some people trust them. I do not. We did trust the Modocs, and we got the worst of it.

The Second Cavalry occupies Fort Sanders, Wyoming Territory, Fort Fred. Steele, Camp Stambaugh, Camp Brown, Camp Douglass, Fort Laramie, and Fort Ellis, with a detachment at Omaha barracks. That regiment is, therefore, strung from the Pacific Railroad, in the neighborhood of Cheyenne, northward through the Rocky Mountains up to Fort Ellis in Montana, at least eight hundred miles of frontier. They are in the presence of probably three thousand of the most dangerous and hostile Indians on this continent.

Mr HAWLEY, of Connecticut. Three thousand fighting men?

General SHERMAN. Yes. Sitting Bull, Bull Bear, Red Cloud, and these fellows, can have three thousand Sioux for actual war if occasion arises. As long as they have not a cause of grievance, as long as they have plenty of game, and can get presents from the Indian Bureau, they will remain pretty quiet, but as soon as we undertake to send wagons or stock through their country with anything that would tempt the Indians, we have to send escorts along with them equal to a regiment of men, or else we have to fight the whole way through.

Then take the Third Cavalry. It is now at Fort MacPherson, Nebraska, Sidney barracks, Fort Fetterman, Fort D. A. Russell, and Fort Sanders. This regiment, therefore, occupies posts extending from Fort Fetterman, in Wyoming Territory, which is about ninety miles west of Laramie, to

Fort McPherson, in Nebraska. The regiment is in splendid order. I have no doubt that its presence at Fort McPherson, where the bulk of the regiment is, is of great utility. The regiment is doing good service in preventing the accumulation of hostile Sioux on the head-waters of the Republican.

This is a fine buffalo country, and a favorite resort of the Indians. The presence of that regiment there has enabled the States of Kansas and Nebraska to extend their frontier settlements two hundred miles within the last two years. Probably over 50,000 people have extended their homes westward by reason of having the Third Cavalry there. When I passed over that country in 1865-'66-'67 there was no population in it or near it. No man could go west of the Little Blue without running one chance in three of having his scalp taken. Now there are counties laid out; there are county courts and roads. I have no doubt that from one to two millions of acres of public lands have been entered since 1866 by reason of the occupation of that line of posts, which could not have been done but for those posts. Therefore I say the Third Regiment of Cavalry has rendered such service by occupying these posts that I would not abandon one of them. I would rather obliterate some town in the east here, which does not do half as much good.

Then take the Fourth Cavalry. The Fourth Cavalry, by special instructions, is united in Texas, on the Upper Rio Grande, at Fort Clark and Fort Duncan, in order to guard against intrusions on our territory by nomadic Mexicans and Indians. This is a very fine regiment and is kept almost united to guard against not only Indians but Mexicans, who have from time to time crossed our border and attacked the settlements on the Upper Nueces and Upper Rio Grande for the purpose of stealing horses and cattle. I can go on through the whole of this list if the committee so desires.

The CHAIRMAN. We should be glad to have you to do so.

Mr. HAWLEY, of Connecticut. Your statement is very interesting to the country.

General SHERMAN. The Fifth Cavalry is now in Arizona. It can hardly be said to be occupying any place, as it is on the go all the time. It has detachments at Camp Verde, Camp Apache, Camp Bowie, Camp MacDowell, Camp Grant, Camp Lowell, and Fort Whipple. It occupies the whole valley of the Gila, with detachments at the foot of the White Mountains, near the capital of Arizona, which is called Prescott. This regiment, I have no doubt, has had harder service within the last two years than any regiment of cavalry had in the service of the United States during the civil war. It numbers about nine hundred and thirty-five men, according to this list, but there are in the field probably about eight hundred men. Under the leadership of General Crook, it has subdued the wild Apaches, who are now as much afraid of this regiment as Indians ought to be afraid of our soldiers. General Crook, with this regiment and some infantry, has restored comparative peace to that country; not peace exactly, but such peace only as can exist in that miserable desert land. If you, gentlemen, will get Mexico to take Arizona back I will agree to knock two regiments of cavalry from our estimates. But, as Tom Corwin used to say, "it is our country, and therefore we must love it and protect it."

The CHAIRMAN. How much more does it cost to maintain cavalry there than in other parts of the country?

General SHERMAN. It costs three or four times as much as it costs in Nebraska. It is the most costly place in the world for the maintenance of troops. Nearly all supplies go from San Francisco; but some barley

can be bought in parcels there, for they raise some grain in scattered districts; but to haul it even sixty miles in that country costs more than to transport it from Boston to Omaha.

The CHAIRMAN. Speaking of Arizona, what is there to take care of besides the men who furnish supplies to the army and who live off the expenditures for the Army?

General SHERMAN. Personally I have never been in Arizona, but officially I have been connected with it since 1846, in the Mexican war times. Then it was, of course, a mere wilderness, unpeopled. When I resided in San Francisco, as a citizen, there was no place called Arizona. We called it the Gila country. Through it was one of the routes by which people came from Sonora into California. I used to associate and live with Sonoranians in their camps, and my opinion of that country, viz, of the Gila Valley and the Colorado Valley, was in a measure formed by my conversations with them; and the condition of their animals and of their persons on reaching California, after traveling over this desert country, confirmed the truth of their assertions that it was a God-forsaken land. Little by little it was found that the mountains, which throw out spurs toward the Gila Valley, have indicated the presence of copper, silver, and gold. The population is composed, I think, of two distinct classes, viz, California miners, who have opened mines around Prescott, which is the capital of Arizona, and some Spanish settlers, who have crept up in that direction from Chihuahua and Sonora, Mexico. There are rancheros, who occupy the country about Tucson, in what we used to call the "Gadsden purchase." I do not suppose that there are, *bona fide*, eight thousand people in that whole Territory. But there is a stage-road kept up from Texas through El Paso to the Gila, and connecting with our mail service in California, at San Diego and Los Angeles. This mail-service has been kept up ever since the acquisition of the country, and as a matter of course the military is bound to protect every interest which the Government owns, whether it be valuable or otherwise. We might withdraw these posts and save expense that is so seemingly useless; but, if we did so, the mails would have to be stopped, because no driver could or would go through that country unless we kept posts, with troops, at intervals of every two or three hundred miles.

Mr. HAWLEY, of Connecticut. I suppose the garrisons are as small as they can be made?

General SHERMAN. Yes. They are mere squads. The Apaches are now behaving very well, because they are afraid of General Crook. But they are extending their incursions into Mexico, and I have been expecting every moment that they will involve us in some international quarrel or controversy, because these Apaches are our subjects, and yet they openly and without concealment go off their reservations and make incursions into Sonora and Chihuahua, and the people of those provinces threaten to follow them back into our territory, and I believe they will do so. I would not blame them if they did. We cannot restrain these Indians, except by keeping them under absolute military control.

Mr. ALBRIGHT. The chairman has asked what there was in Arizona to keep a population there.

General SHERMAN. There is a little wheat-land in the southern part, and there is some mining-land in the northern part, but nothing else. I do not think that the inhabitants make enough profit off our soldiers to maintain them, but they make all they can.

The next regiment I come to, in the list, is the Sixth Cavalry. This

regiment in the summer-time is always in the saddle, scouring the country from Fort Hays, in Kansas, along the Upper Arkansas River, and along the northern boundary of what is called the Indian Territory. In winter-time it keeps to the forts, viz, Fort Riley, Fort Hays, Fort Wallace, Fort Dodge, and Fort Lyon. I suppose the length of this line of posts is about four hundred and fifty miles. But in the summer-time, and in the spring, the regiment is scouting three hundred miles north of it, and four hundred miles south of it. If there were any gentleman from Kansas here, and if I were to say that the Sixth Regiment of Cavalry could be dispensed with, you would hear from him. It is a good regiment. There is no better regiment in the world for its size and efficiency.

The Seventh Cavalry was recently in the south. Last summer it was ordered away north, to the extreme northern boundary. Two companies formed an escort for the commissioner to survey the boundary, under the treaty with Great Britain. The other ten companies, under General Custer, served as a reconnoitering party on the line of the Northern Pacific Railroad, which reconnaissance extended from the Missouri River at Fort Abe Lincoln, in Dakota Territory, about five hundred miles west in the direction of Montana. The reconnaissance was sent out to enable the surveyors to explore the country through which the Northern Pacific Railroad (which was considered a national enterprise) was to be built. All the military authorities coincided in the necessity for sending out that reconnaissance. It has been severely criticised by the newspapers; but, nevertheless, it had to be done in the interest of the progress of that railroad, which is one of the great trans-continental ways, interesting especially to the northern States and the northern Territories, viz, to Dakota, Montana, and Washington. That regiment is, of course, now frozen up for the winter, and is housed; but we know perfectly well, and I have been informed by the commissioner for running the boundary, Col. Archie Campbell, that he will need a great deal more than two companies of cavalry next year to defend him and his associates, because the extension of the line from the point where they left off, this summer, to the Rocky Mountains, will carry them through the Blackfeet country, and they may have to fight their way.

The Seventh Cavalry, in my judgment, has rendered eminent services. To-day it is frozen up; but in the spring of the year it will be on the wing. It is now at Fort Abe Lincoln, as its headquarters, and stretches along the Northern Pacific Railroad, from the Red River of the North to the Missouri River; or rather from Fort Snelling westward as far as the Missouri River, about five hundred miles. That is merely their winter quarters; in summer they will scout as far west as Powder River, Milk River, and the Upper Missouri.

The Eighth Cavalry is in New Mexico, another of those delightful lands acquired from old Mexico at the end of our Mexican war. We have got it, and we have got to take care of it, unless you can prevail on Mexico to take it back. The highest point occupied by our troops is Fort Garland, in what is called the San Juan Valley. To the westward of it is Wingate, a post that is necessary in connection with the Navajo Indians; Fort Union to the east, where the mail-road comes into New Mexico. Down the valley you have Fort Bayard, Fort McRae, and Fort Craig. To the right and left, in the lower valley, you have Fort Stanton and Fort Cummings—we call it Tularosa; so that regiment covers, substantially, the whole of New Mexico, protecting the native population as against the Indians, and protecting the Indians as against the native population. Between them there is, and has been for three

hundred years—longer than this country has been settled—a war, and the soldiers have to catch the knocks of both. As long as that condition of affairs lasts, you will have to keep a regiment of cavalry there. If we should disband the Eighth Cavalry to-morrow, we would have to replace it within three weeks, or else acknowledge that we are incompetent to defend our own territory. It is not worth the cost of defense, but that is not our business.

The Ninth Cavalry is in Texas. The Ninth is a colored regiment. There are twelve companies, all commanded by white officers; and that regiment has certainly fulfilled the best expectations entertained by the friends of the negro people; they are good troops, they make first-rate sentinels, are faithful to their trust, and are as brave as the occasion calls for. I wish to bear this my testimony, my willing testimony, to their excellence. Many people suppose that I have a personal prejudice against black troops; that is an entire mistake. I do confess that I prefer white troops; but these black troops have fulfilled everything expected of them. This regiment, the Ninth, occupies the forts on the southern frontier of Texas, viz: Fort Concho, Fort McKavitt, Fort Davis, Ringgold barracks, Fort Brown and Fort Stockton. They are distributed, under the direction of the Department commander, General Augur, as experienced and trustworthy an officer as can be found in any country, and they scout forward and in the intervals of their camps. That line of posts protects the frontier against nomadic Indians and against the incursions of Mexicans who come over the Rio Grande to steal cattle and horses. The southeastern part of Texas is a valuable country. In due time it will fill up with a good population; and although this process is very slow, it is bound to come. But so long as the country is in its present condition, I do not see how you can help covering and protecting that frontier, and that cannot be done cheaper than it is now done by the present cavalry. Take away the Ninth Cavalry and the settlements of Texas would fall still farther back, and other troops would have to be raised a second time to recover the country thus surrendered or lost.

The Tenth Cavalry is also a colored regiment. It is stationed farther north, on the northern and western skirt of the Texan frontier, and it extends up into the Indian country, occupying from Fort Concho, in Texas, northward to Fort Sill in the Indian country. Its headquarters are at Fort Sill. That regiment is exactly like the Ninth; the officers are white and very good. The strength of these colored regiments is a little less than the average strength of the white regiments. The Ninth has seven hundred and ninety-eight men and the Tenth seven hundred and eighty-eight men; but still we succeed in getting recruits enough to keep the ranks pretty cleverly full. That part of the Texas frontier is more important than the southern part. That whole frontier has been garrisoned ever since the acquisition of Texas from Mexico, viz, since 1846. The line of posts has been changed from time to time, but we have substantially settled down to the present line. The sites of the different forts belong to individuals under State laws, and they have given a great deal of trouble, but I believe that this matter is now in process of settlement. Some of these posts will have to be abandoned, but they will have to be replaced by others equally costly. Take Fort Richardson by way of illustration. We could to-day give up Fort Richardson because there are people enough near there, at Jacksborough, to defend the neighborhood, but there is a wide gap between Fort Griffin and Fort Sill which we will have to occupy with a detachment; and the

water about there is so bitter that the officers have not yet settled on the point best suited for an intermediate post.

Mr. HAWLEY, of Connecticut. Do you mean to say that there is danger from Indians as far down in Texas as that?

General SHERMAN. You go and try it. I would not go to-day from Fort Sill to Fort Griffin direct with less than thirty men well armed, and without taking such precautions as we did against guerillas in the late civil war, or against the rebel cavalry.

Mr. ALBRIGHT. What is the distance between these two posts?

General SHERMAN. About one hundred and forty miles, but there is hardly a day that there is not a man killed about there; and yet these Indians are peaceful Indians, and under Christian influence!

The CHAIRMAN. What tribes of Indians are there?

General SHERMAN. The Kiowas and Comanches, and, I think, Cheyennes get there occasionally, but rarely. These fellows cross the border, via Red River, and some of them are caught away down south as far as the Lower Nueces. Captain Hudson, of the Ninth Cavalry, killed some there only last week.

Now, I have accounted for every one of our ten regiments of cavalry. I do not believe that you can dispense with a single soldier in these ten regiments, nor do I believe that you can do much in the way of economizing in their maintenance; and yet they are as necessary as troops were on the line of operations in any of our army movements during the civil war.

Mr. HAWLEY, of Connecticut. Who controls the building of quarters; who decides on their expediency and the expenditures for them?

General SHERMAN. Always the Secretary of War. But he gets reports from all the officers concerned, and has all the facts submitted to him before he gives the order; because the expenses must come out of a definite appropriation, and he must see that all these items dove-tail in, and do not exceed in the aggregate the whole sum at his disposal.

The CHAIRMAN. Do you recollect how many regiments of cavalry we had on the frontier before the war?

General SHERMAN. I think five; but at that time we did not have near as much frontier to protect. The line then was neither so far north, so far west, nor so far south. Now, instead of having a single western frontier, we have got a western frontier, and an eastern frontier, looking east from California and Oregon, and two or three little circles in Montana, Colorado, and New Mexico, each having a frontier of its own, so that we have multiplied the extent twenty-five or thirty times.

The CHAIRMAN. The border of California and Oregon existed before the war as it does now.

General SHERMAN. When I went to California in 1846-'47, we had one company of artillery, two companies of cavalry squeezed into one, and one regiment of infantry. After the Mexican war, 1848, was added what was called the mounted rifles. The troops were then merely on the line of the Missions, between the mountains and the sea. Nobody went over the mountains in those days, excepting in the caravans, which took care of themselves. The scramble then was to get to the gold country. There was then no frontier east of the Sierra Nevada.

The CHAIRMAN. Was that so so late as 1861?

General SHERMAN. About 1859 and '60 the miners began to creep over the mountains into what is now called Nevada, in search of silver. But these California miners were equal to soldiers. There was at that date a line of posts embracing Fort Yuma, San Diego, Monterey, and Shasta. That was the frontier then. There were no posts east of the

Sierra Nevada. There was a small garrison at Fort Hall, where a company of the mounted rifles was stationed; and as this regiment went across it dropped small detachments all the way from Fort Kearney, on the Platte, to the Columbia River, at Vancouver. But in those days the Californians were all soldiers. Every fellow carried his pistol—two of them generally—and nobody ever traveled without his gun. We were all soldiers then out there. The Californian emigrants were all soldiers.

The CHAIRMAN. Now come to the artillery.

General SHERMAN. The First Artillery now occupies our Atlantic sea-border from Charleston, (which is the headquarters,) around by the south as far as Pensacola. The points occupied are Charleston, Savannah, Saint Augustine, Key West, Fort Jefferson, Fort Barancas, and there is one company of this regiment at the artillery school at Fort Monroe, Va. The necessity for guarding our Atlantic sea-coast is as old as the country itself. At each of these posts necessarily is collected a large amount of valuable property,—property which is peculiarly liable to destruction, some of which has cost as much as \$10,000,000. It is stated in regard to that old fort at Saint Augustine, that the King of Spain looked through a spy-glass across the Atlantic to see if he could not see that fort shining, on account of the amount of gold which was spent on it. These forts are very costly, very liable to injury and destruction; with magazines containing powder and stores which may be robbed at any moment, with shot and shells, which may be carried off by fishermen, to be used as anchors, with parapets, which, if neglected, may be washed away by rain-storms, and with glacis, which may be easily converted into pasture-fields. Therefore, as property, these forts must be taken care of, either by soldiers or by hired men. I doubt very much whether you can economize on that frontier, because that one regiment is already stretched as long as it can be stretched, and ever since 1828 there has been a regiment of artillery distributed pretty much as that regiment is now.

I come now to the Second Artillery. It occupies the sea-coast forts from Charleston, north as far as and including Fort McHenry at Baltimore, with detachments in the interior at Raleigh, and some other points in North Carolina, being shifted about there subject to the requisitions of the marshal of the district. These forts are, in my judgment, with the exception of Forts Monroe and McHenry, useless. Take, for instance, Fort Macon and Fort Johnson on the coast of North Carolina. They are perfectly useless, for there is no channel at these points that war-vessels could make use of.

Mr. HAWLEY, of Connecticut. Is there anything at the mouth of Cape Fear?

General SHERMAN. There is one company at Fort Johnson containing fifty-six men. Fort Foote, here on the Potomac, is to protect Washington. There are fifty-seven men there to protect us all from invasion by the fleets of England and Spain. At Forts Macon, Foote, and Johnson, there is one company for each. Fort Washington, on the Potomac, is at present undergoing repairs, and Fort Foote, which is opposite Alexandria, temporarily replaces it.

Mr. HAWLEY, of Connecticut. Has anything been spent, since the war, in rebuilding a fort at the mouth of Cape Fear?

General SHERMAN. I think not. They have cleaned up a little about Fort Johnson, but I do not think there has been any money spent there.

The Third Artillery takes up the same line of sea-coast northward, with one company detached at the artillery school at Fort Monroe, Va. This

regiment occupies all the batteries and forts from the Delaware up, including all the forts in New York Harbor, and in the interior of New York. There is one inland at Niagara and one at Madison barracks, Sackett's Harbor.

Of course the forts about New York City are so valuable, so costly, and so important, that, in my judgment, there should not be less than a whole regiment of artillery skillfully and actively employed there at all times, in peace and in war. In time of war we could re-enforce them by volunteer troops from the city of New York very promptly. But the forts, with their parapets, glacis, guns, and magazines, should be ready for an emergency at any moment.

Mr. ALBRIGHT. There is not a full regiment in New York Harbor now ?

General SHERMAN. No ; the Third Artillery occupies from the Delaware up to New York.

Mr. ALBRIGHT. How many companies are at New York ?

General SHERMAN. There are ten companies in and around New York Harbor. There may be eight or ten first-class forts in and around New York, every one of which must have cost millions of dollars, and every one of which for preservation requires the active care and labor of men, whether they be soldiers or citizens.

The Fourth Artillery is on the Pacific Coast, occupying every station from Sitka down to San Diego. There are two companies at Sitka, one at Fort Stevens, one at Alcatraz Island, one at San Diego, one at Point San José, one at Cape Disappointment, and six at the Presidio. That is the only regiment of artillery on the Pacific coast. It has charge of these forts, keeping them in order and keeping the troops instructed in the art of artillery. Occasionally small detachments are sent into the interior when their assistance is required. That was the case in the Modoc war. We stripped our posts and sent the whole of the artillery into the interior to assist the cavalry in the Modoc war. But habitually they are employed in the sea-coast defenses.

The Fifth Artillery occupies the remainder of our Atlantic border, northward and eastward to the British boundary, embracing Fort Adams, Rhode Island; Fort Warren, Massachusetts; Fort Independence, Massachusetts; Fort Trumbull, Connecticut; Fort Preble, Maine, and Plattsburgh and Madison barracks, New York. Of course every member of this committee must have a sufficient knowledge of the cost and value of these military works to judge whether it be necessary to keep them in the order in which they are kept; and, as everything in this world is perishable, even granite, and especially earthen slopes and parapets, you will have to keep these forts in order or else let them go to decay, and there is no cheaper way of keeping forts in order than by having them in charge of soldiers who know what they are about.

Mr. THOENBURGH. What is the force at Fort Warren ?

General SHERMAN. Fort Warren is occupied by Company D, Fifth Artillery, consisting of forty-four men. Now, if you can take forty-four hired men and keep that fort in better order than it is now kept in, you ought to do so; but you cannot do it.

That completes the artillery arm of the service. In my judgment, you have no more valuable servants under the Government than these five regiments of artillery. Their work is a specialty. You cannot teach men the artillery art or profession, (call it what you may,) excepting by actual practice with guns and men. I look on these five regiments as simply five separate schools, and in twenty-four hours you can increase them into complete garrisons for every sea-coast fort on our

border, by simply adding firemen or uniformed militia from the most convenient neighborhoods. Many of the companies number as low down as forty-four, forty-one, thirty-one, and twenty-four, and so on, (reading from the record,) but they can be swelled up suddenly to a full complement so as to hold and defend these forts against any enemy whatsoever.

The CHAIRMAN. Would it not be better policy to increase the artillery school and to diminish the artillery regiments?

General SHERMAN. No, sir; every artillery regiment and company is now a school of practice.

The CHAIRMAN. Would you not get a more intelligent class of men by having them trained at the artillery school?

General SHERMAN. No, sir; we have an artillery school now that does not cost a cent extra, but which is simply the aggregation of five companies, one from each regiment. It is called the artillery school, but it is simply a garrison of five companies, with special instruction for junior officers and non-commissioned officers recently from civil life.

The CHAIRMAN. The question is whether or not something should not be done in the direction of an artillery school?

General SHERMAN. My own judgment is that all of the artillery should be a school for artillery. It is hardly an army in the strict sense of the term. As it stands, it is the cheapest nucleus in the world for that particular branch of service. That is how I regard it. The work of artillery can only be learned in actual war, or by active and constant instruction. You may call these regiments artillery, and charge them against the Army as so many men, but really they are not doing that service against the public enemy which, naturally, the people at large expect of the existing Army. But that body of men, officers and soldiers, will be very useful to you, in case you suddenly find yourselves involved in a war with Spain or Great Britain. If you were to disband them to-day, you could not replace them to-morrow for fifty times the cost.

We now come to the infantry. The infantry composes, of course, the mass of all armies. It is the cheapest, best, and most serviceable of all, and yet, generally, by common usage, it is kept lowest down. Our infantry regiments are very small. The First is only four hundred and thirty-two men. The companies run along from twenty-six men to thirty-seven, forty, fifty-five, forty-two, twenty-four, and so on. They are scattered along the whole northern frontier. The chief use of this regiment is the maintenance of our flag and the protection of public property along the whole northern frontier, extending from the extreme part of Lake Champlain, at Plattsburgh, up to Sault Ste. Marie, at the outlet of Lake Superior. But the garrisons are mere squads. To call them an army is simply a misnomer. They are little squads of men strung along a frontier of fifteen hundred or sixteen hundred miles. Of course they do not defend that frontier against any public enemy, but they keep possession of points which are deemed military points, such as Sault Ste. Marie, Mackinaw, and Saint Clair Straits, at and near Detroit. Then you come to the neighborhood of Buffalo where Fort Porter is, and so on east to Madison barracks, which is at Sackett's Harbor, Lake Ontario.

The Second Infantry is scattered throughout the South, with companies at Atlanta, Ga., Huntsville, Ala., Chattanooga, Tenn., and Mount Vernon barracks, Ala. This regiment is there merely because the civil authorities require some troops near them occasionally. The strength of the regiment now is four hundred and seventy-nine men.

The Third Infantry is strung along the Kansas Pacific Railroad, which

leads from Southern Kansas to Denver. It forms depot garrisons. The posts average about one hundred and twenty miles apart. They are all built and in very good order, but they require some little repairs now and then. This regiment is grouped along that road so as to be kept as near together as possible. The total strength is six hundred and six men. If any of you travel that road, you will be glad to see the flag at every one hundred miles or so, because the Indians traverse that country very often, particularly the Cheyennes, but for the last two or three years they have not done a particle of harm. I think, however, that if we were to withdraw that regiment there would be some manifestations of Indian hostilities, though I am not certain, because the country has of late much increased in population and resources. The settlements are creeping along the line of railroad just as leaves follow the limb of a tree; but the people cling to these garrisons as nuclei. As surely as you draw off a regiment from there, an equal necessity will arise for its use somewhere else.

The Fourth Infantry is, in like manner, posted along the Union Pacific Railroad, mostly on the upper sources of the Platte near it. The companies are grouped about Fort Bridger, Fort Fetterman, on the north fork of the Platte, Fort D. A. Russell, Fort Sanders, and Camp Douglas, in Utah. That regiment occupies but five posts, with two companies at each, about eighty, ninety, or one hundred men at each point.

The CHAIRMAN. Is infantry as valuable as cavalry at such posts?

General SHERMAN. No, sir; it is not so valuable.

The CHAIRMAN. Could not a smaller number of cavalry avail more than a much larger force of infantry?

General SHERMAN. I doubt it, because cavalry-men are all the time taken up with the care of their horses and are off on scouts. Besides, cavalry costs a great deal more than infantry.

Adjourned over till 10 o'clock to-morrow.

WASHINGTON, D. C., *Wednesday, January 7, 1874.*

General SHERMAN appeared before the committee and continued his statement of yesterday. He said, referring to the regiments in detail:

The Fifth Infantry at the close of the year 1873 occupied the posts of Fort Gibson in the Indian Territory; Forts Larned and Dodge on the Upper Arkansas, and Fort Leavenworth, in Kansas. That regiment is now under orders, for what we expect may result in actual hostilities with the Kiowas and Comanches, in the month of February. The Indian Department has, I believe, confessed its inability to control those Indians. General Sheridan was summoned here, and there was a conference at which it was agreed that with the Sixth Cavalry and the Fifth Infantry General Sheridan should go for them in the early spring; that is, in February, when the Indian ponies are all poor. At present this regiment is ready to take the field, but their preparations are somewhat concealed. The Sixth Infantry occupies Fort Buford, in that remote country in Dakota near what is called the Big Bend of the Missouri, where the Yellowstone joins the main Missouri Valley. The next post below it is Fort Stevenson, and from there it connects with Crittenden's regiment, the Seventeenth, at the new post, Abe Lincoln, where the Northern Pacific Railroad first reaches the Missouri River. That shoulder of the Missouri River has been long occupied by the Hud-

son Bay Company, the American Fur Company, and for the last ten years by the United States troops. The posts used to be known as Fort Union and Fort Berthold. As we had another Fort Union we changed its name to Buford, and Fort Berthold is now moved to Fort Stevenson, a short distance below. That shoulder of the river is a military point which probably will have to be occupied forever by troops, for the land is infinitely poor and there is no chance for any settlements there or thereabouts.

The Seventh Infantry is in Montana; the whole of it. It occupies four posts: Forts Shaw, Ellis, and Benton, and Camp Baker. This regiment is used entirely to keep a *show* of defense on the frontier looking eastward in the new and very fine Territory of Montana. That Territory is rapidly filling up with a most excellent population. At this moment, I suppose, it contains thirty thousand people, who are engaged in agriculture, the rearing of cattle, and the development of mines. In my opinion it is the most promising of our new Territories; for its defense we therefore use one regiment of infantry, of less than six hundred men, and four companies of cavalry. The people are constantly clamoring for more, but have invariably been answered that that is the full proportion of the Regular Army that can be given for their defense, and they have managed to keep the peace very well indeed, and the Territory is now prospering.

The Eighth Infantry is strung out on a portion of the Union Pacific Railroad, with detachments north and south, between the Black Hills and Utah. These posts are Fort D. A. Russell, Camps Stambaugh and Beaver City, which is some ninety miles below Salt Lake, and a new post north of Stambaugh, called Camp Brown, which was forced upon us by those marauding Indians. Some Indians killed some settlers in Wind River Valley, last summer, which convinced General Ord, who commands that department, of the necessity of sending two more companies there, along with some cavalry. The governor of Wyoming is now in this city, and the bishops of several churches have applied in behalf of that scattered population of Wyoming for more troops; but they have received the answer that they have got all we can spare for that Territory. Their settlements are very scattered. It is a mountain country, with some pastoral regions, especially the Laramie plains, which are gradually filling up with a stock-raising population. But it is right on the highway to California and Utah, and we have always deemed it of infinite importance to keep that road so safe that not only our own people might traverse it in security, but that foreigners coming from Australia, India, and from Asia, generally, toward Europe, may also be induced to cross our country; and the Pacific Railroad I deem to-day as safe to travelers as the New York Central. It has been made so, not altogether, but in a great measure, by the presence of the troops stationed there for the last eight years, and by their activity.

Mr. HAWLEY, of Connecticut. Is it not an extraordinary fact that the Indians have never struck that road but once?

General SHERMAN. There is nothing for them to steal. They cannot steal a locomotive or the iron rails. They are perfectly conscious of the importance we attach to it, and to the fact that on the safety of the road we will go our last dollar; and they know that if they endanger that road and even get off eight hundred miles we will go for them. They have heard that said so often with emphasis that they believe it. The moment that a party of Indians, whether peaceful or not, makes its appearance within fifty miles of that railroad a detachment of cavalry is sent after them, which keeps along with them till they go away.

The Ninth Infantry is also guarding that road from Fort D. A. Russell eastward. It is strung along in small detachments from Omaha out to Fort D. A. Russell, a distance of about six hundred and forty miles. They leave their traps at Omaha and at D. A. Russell and establish no posts, but occupy the railroad-depots. You may say that that regiment is picketing the Union Pacific Railroad from its commencement on the Missouri River, at Omaha, as far west as Fort D. A. Russell. Settlements are rapidly replacing them, and you may now see ranches with cattle and with little adobe houses strung along as far out as the Lodge-pole Valley, probably four hundred and fifty miles from Omaha. Beyond that the country is poor, and I am not aware of any settlements, except at one place, where they get a little timber, near Sidney Barracks.

The Tenth Infantry is in Texas, on that same line of posts which I described yesterday as occupied by the Ninth and Tenth Cavalry. We keep a small garrison of infantry at each post, as a point of security, leaving the cavalry free at short notice to go and take the field. It is found as the result of the experience of the last twenty-five years that the best garrison in those regions consists of a couple of companies of infantry and a couple of companies of cavalry. Such a garrison is equal to the defense of a frontier of about one hundred miles. Therefore, wherever there is a company of the Ninth or Tenth Cavalry there is also a company of infantry occupying the same post. Thus the Tenth Infantry is stationed at Forts McKavitt, Stockton, Austin, and Fort Clark, identically the same points that are occupied by the Ninth Cavalry.

The Eleventh Infantry, it so happens, prolongs that line to the northward, and is coincident with the posts of the Tenth Cavalry, viz, Concho, Griffin, Richardson, and Red River Crossing. These two regiments occupy the northwestern part of Texas, and in co-operation with the Ninth and Tenth Cavalry protect that whole country.

The Twelfth Infantry is on the Pacific. There the Indians have all, I think, been collected on scattered reservations, every little tribe or family occupying a small reservation. But I rather think that the troops there usually protect the Indians against their white neighbors. This regiment occupies Camp Wright, San Diego, Fort Hall, Camp Independence, Camp Halleck, and Camp Mohave, six or seven distinct posts. The regiment numbers five hundred and forty-two men. It is strung all the way through California, Nevada, and Arizona, by the exigencies of the service. Whenever we try to remove one of those companies the attempt is instantly followed by a petition and clamor, and the President, as a matter of habit, says, "O, you had better leave them alone." We try frequently to get our regiments together, into better shape, for the sake of discipline and of economy, too, because a regiment that is united costs at least 30 per cent. less than it does when scattered. The usual aim of the military authorities is to get a regiment grouped together as far as possible, for the sake of economy and in the interest of discipline, and also to increase the social comfort of the officers and men.

Mr. GUNCKEL. May it not be a matter of interest for the settlers, as well as of safety, to have those companies located near them?

General SHERMAN. Of course it is. They have a slight interest in the matter—for instance, in the little marketing that they can sell to the troops—but they generally have a more substantial interest than that. Where Indians assemble there are generally beggars among them, and mischievous scamps, who steal whenever they get an opportunity, and a fight may spring up from a stolen horse or cow, that would grow up into hostilities, like the Modoc war, unless checked. I have no doubt

the presence of the troops at Camps Wright and Independence and Gaston, is the result of wise experience by those residing on the spot. We have all those posts carefully inspected from time to time. They are not posts in the strict sense of the word, but are generally composed of a mud hut for the officers and another for the soldiers, and a flag-staff with a flag over it. They are of no great expense at all, except at two or three that we have in the nature of permanent forts. Where they protect the Pacific Railroad, for instance, they are put in better shape, as they will probably be more permanent.

The Thirteenth Infantry is in Utah; Camps Douglas and Brown and Fort Fred Steele, on the railroad. These are the three principal points. The strength of that regiment is five hundred and ninety-two. That is my old regiment. The necessity of a regiment in Utah has been demonstrated, I think, to the satisfaction of all thinking men. There is a natural antagonism between the Mormons and their neighbors. There is a United States court there, which is constantly calling upon the commanding officer for assistance in the way of serving its writs and in enforcing its mandates. I have no doubt that the presence of that regiment there has kept the peace, where otherwise we might have been dishonored by riots, murders, and collisions that would have been disgraceful to our civilization. The troops are, of course, perfectly neutral, as between the conflicting parties, and generally stand between them, now protecting one and then the other. To show the power of our Government, I would venture to say that any person in Utah can be arrested and surrendered to the civil courts with a sergeant and three men; but it could not be done unless those garrisons were there, and unless the people understood distinctly that where three men went three hundred could go, and more, if necessary.

The Fourteenth Infantry occupies a kind of gorge in the Rocky Mountains, which you remember in early life as "Frémont's Pass." It is the great road through which the northern Indians pass on their way to the Elk country to hunt game. The regiment is stationed at Forts Laramie, Fetterman, Sanders, and Sidney Barracks, on the Union Pacific Railroad, in the valley of the Lodge-Pole. Fort Laramie was established as early as 1848, immediately after the Mexican war, and has been kept up ever since. Indeed, it was a fur company's post before that. At this moment there are probably more hostile Indians within striking distance of Fort Laramie than at any other point in the United States, such as Red Cloud, Bull Bear, The-man-afraid of his-horses, and all that gang of fellows.

Fetterman is a post established about eighty miles west of Laramie, on that same old emigrant-road. It was established by General Augur about five years ago, and has had a first-rate effect. The gorge there is a little narrower. There are two companies at Fetterman, and a company of cavalry. It is like a door which the Indians are troubled, not so much to pass in going, but to pass in returning with their stolen stock. Therefore, that deters them from trying to steal horses and cattle from the grazers, who are now really doing a fair business on the Laramie Plains. Without Fort Fetterman, I doubt very much whether a horse or a beef could be kept in that section of the country for thirty days.

The Fifteenth Infantry is in New Mexico, strung along the whole valley of the Upper Rio Grande, for nearly eight hundred miles, with detachments at Forts Garland, Union, Bayard, Craig, Wingate, Stanton, and Tulerosa. The regiment is too much dispersed, but still we cannot help it.

The Sixteenth Infantry is one of the few regiments that are in the South. Its headquarters are at Nashville, Tenn., with detachments at Lebanon, Ky.; Jackson, Miss.; Little Rock, Ark.; Humboldt, Tenn.; Lancaster and Frankfort, Ky. The regiment has been there, with changed localities, substantially since the close of the war. It has been shifted about, the companies occupying various positions according to the requirements of marshals and revenue agents.

Mr. HAWLEY, of Connecticut. Is it not desirable to shift these men once in a while?

General SHERMAN. We ought to shift them as a whole, but we cannot afford it. I have tried it three or four times, but every time we attempt to change a regiment, in the spirit of fairness, we meet with opposition from the Quartermaster-General, saying that he has not the necessary money.

Mr. HAWLEY, of Connecticut. The men ought to be shifted to a more rigorous climate.

General SHERMAN. Of course it ought to be done in the interest of humanity; not with that regiment so much, because its location is generally healthy, but with another regiment that has been in Louisiana for the same length of time. I mean the Nineteenth Regiment.

The Seventeenth Infantry is in Northern Minnesota and Dakota. It has two companies at Wadsworth, where there is a large reservation of Indians, and I think that by the treaty we are bound to keep a garrison there. It has only two companies. The headquarters are at Fort Abercrombie, in Dakota. Abercrombie is on the Pacific Railroad, where the road crosses the Red River of the North. The necessity for keeping a garrison there will probably cease after next year, because that valley is filling up with a good population, who are buying land and planting wheat. Abercrombie is an old place, that was built long before our civil war, and we have had no serious expense of late for it. Then there is another company at Grand River agency, below Fort Rice, which, too, is just below where the railroad bridge is to be built across the Missouri at Bismarck. Fort Abe Lincoln is on the west bank of the river, and the town of Bismarck on the east bank. The railroad is now finished from Lake Superior to Bismarck, viz, the Northern Pacific Railroad, and this Seventeenth Infantry occupies substantially the line of that road through Minnesota to Dakota.

Mr. GUNCKEL. Suppose that that work should not be prosecuted any further, could you then dispense with the troops in that section?

General SHERMAN. I doubt it very much, because there is a region of three hundred miles from Fort Abercrombie west that will be traversed by hunting-parties of wild Indians.

The Eighteenth Infantry is in South Carolina. I have been very anxious to get that regiment out, but every time we attempt to move it influence of some kind or other is brought to bear to prevent its being moved. They say the regiment is necessary there. Its headquarters are at Columbia, S. C., with some companies at Yorkville and Newberry, S. C., and Atlanta, Ga.

Mr. GUNCKEL. What is the necessity of keeping that regiment there?

General SHERMAN. I guess that politics have something to do with it. They say that the regiment is needed there. The marshals of the districts and the members of Congress from the State say so.

Mr. GUNCKEL. What has the regiment had to do there?

General SHERMAN. Nothing at all, except that it is said that its presence there assures peace.

The Nineteenth Infantry is the one that I spoke of just now as having

been in the extreme South so long. It has gone through the yellow fever three times. It occupies Louisiana proper, with headquarters at Baton Rouge, and with a couple of companies at Jackson Barracks, Louisiana, just below the city of New Orleans; and one at Greenwood, where there was a hospital; and one at Colfax or Alexandria. That regiment has been thereabout since the war. It has had a good deal to do. It has been hauled about all around that country. There have been excitements in the city of New Orleans, when these men were compelled to stand to arms in the streets for days at a time. I mean during the election excitements growing out of the governorship and senatorships. Thus far I claim that the troops there have behaved with admirable discretion. They have never shot a man, but I have no doubt that they have prevented many riots. The commander of the regiment, Col. C. H. Smith, is a fine officer, and General Emory also has given his personal attention to these matters. The regiment has prevented riots there, and that prevention, I think, has been of great importance to the country at large and to our reputation as a civilized people, for every riot in a city like New Orleans is a disgrace to the whole American people.

The Twentieth Infantry is still farther north of the Northern Pacific Railroad, looking to the northern boundary and guarding our relations with the Manitoba country. It is a peaceful neighborhood, and the regiment was sent there originally to purge it of yellow fever, which it had imbibed on the Gulf. It is a small regiment, of five hundred and forty-nine men. Its headquarters are at Fort Snelling, Minn., with detachments at Fort Seward, Dak.; Fort Ripley, Minn.; Fort Pembina and Totten, Dak. (Fort Totten is on Devil's Lake.) Fort Pembina and the other companies make connection with the Northern Pacific Railroad. Fort Snelling, I think, has been a military post since 1816 or 1818, at a time when it took six months to get there from the East. Now there are two beautiful cities right around it, and we have only a small nucleus of a garrison there. Most of the men in this regiment are at Forts Totten and Pembina, looking to the Canadian frontier.

The Twenty-First Infantry is in Oregon, or rather mostly in Washington Territory. The whole of that country used to be called Oregon; but the Columbia River is now the boundary between Washington Territory and Oregon. That regiment is in what we call the "Department of the Columbia," embracing Washington Territory, Idaho, and Oregon. The posts are Fort Klamath, Oreg.; Camp Harney, Oreg.; Fort Walla-Walla, Wash.; Fort Vancouver, Wash.; Camp Warner, Oreg.; Fort Colville, Wash.; Lapwai, Idaho; San Juan Island, Wash.; and Fort Boise, Idaho.

Mr. DONNAN. Has not the sale of Fort Walla-Walla been authorized?

General SHERMAN. Yes; but I think the law was repealed, and the fort has been re-occupied. It is a key point, and ought to be held. It is a strategic point from which we can radiate in every direction. About four or five years ago that whole country was in a state of agitation, but General Crook was there, and was very successful in putting down the Indians. Persons since in traveling through that country have wondered that there should be so little danger now. I went through it in the stage three years ago, taking my daughter with me, and I did not ask for an escort. At the same time, citizens tell me that it is rather dangerous. But there is rather more danger from our own highway robbers than from Indians. I did not see any real cause of danger; but really, five hundred and forty men for that whole vast district of country is hardly enough for a mere police force.

The Twenty-second Infantry is on the Missonri River. We are trying to get the Sioux into that district west of the Missouri River, and therefore that part of the country is guarded pretty strongly. There are two regiments there. The one commanded by General Stanley, the Twenty-second, occupies Fort Sulley, Fort Randall, and the lower Brulé agency, all in Dakota Territory. That regiment has been there ever since the close of the war. Some of its officers have hardly seen a white face, except their own garrison, for six or seven years. The regiment has been there seven years, and I have promised them myself several times to bring them out where they can have a school-house and church, but I have not been able to fulfill my promise thus far.

The Twenty-third Infantry is the last of the white regiments in this list. It is now in Arizona. It occupies the posts, while the cavalry is on the go all the time. That is an immense, miserable country full of Apache Indians, and there has been a chronic war there since a period long before we were a nation and probably it will continue so until there is not an Indian left. We have got these Indians somewhat pacified now. The Twenty-third Infantry occupies Fort Whipple, Camps Verde, MacDowell, Lowell, Bowie, Grant, Apache, and Fort Yuma. There is generally but a single company at each point, simply to make a depot of ammunition and supplies, where the cavalry can, after swinging around, go in for refreshment and cartridges.

The Twenty-fourth Regiment is a colored regiment. We have two colored regiments of infantry, the same number as we have of cavalry. This one has been in Texas ever since the close of the civil war, on the theory that that race can better stand that extreme southern climate than our white troops. They are stationed along the Lower Rio Grande. The headquarters are at Fort Duncan, with companies at Ringgold, Forts Brown and Mackintosh.

The Twenty-fifth and last regiment of infantry is also colored, and takes up that line of frontier and goes up the Rio Grande to New Mexico, guarding also the stage road. Its head-quarters are at Fort Davis, with companies at Forts Duncan, Whitman, Stockton, and Fort Sill, in the Indian Territory. I suppose this company must have got up there escorting some Indians and has not got back yet.

That completes the entire regular organization of the regiments of the Army of the United States, as it now stands. In this same official report which I hold in my hand I find an engineer battalion, composed of five companies of engineers, numbering three hundred and twenty-nine men, four of which are at Willet's Point, New York Harbor, and one at West Point, New York. Over these I have no command or control whatever, and ought not to speak of them with any degree of freedom. If you think proper to cut them off it is not my business to try to prevent it. These troops are soldiers when it is to their interest to be soldiers, and they are not soldiers when it is their interest not to be.

Mr. THORNBURGH. Under whose command are they ?

General SHERMAN. God only knows, for I do not. They seem to be soldiers, and not soldiers under some undefinable rule.

Mr. GUNCKEL. What are they for ?

General SHERMAN. They are for learning the special art of pontooning, and laying bridges. In time of actual war engineer-troops are very useful, and I have no doubt that there are very fine companies, but they are not subject to military command, and do not perform their share of frontier service. If General Hancock, who commands in New York, were suddenly called upon to defend the harbor, or to assist officers of the internal revenue, he could not call upon these engineer troops to assist

him without first getting the consent of the President of the United States, or of the Secretary of War. Four companies occupy Willet's Point as a post of instruction, and the company at West Point, I suppose, is auxiliary to teaching the cadets the art of engineering.

Mr. HAWLEY, of Connecticut. Are not the four companies at Willet's Point helping to build the fort there ?

General SHERMAN. They may help, but, I think, not much. They have their parades and drills, and, I think, their specialty is in making torpedoes, and in pontooning.

Mr. GUNCKEL. If retrenchment is actually necessary, and if we are compelled to cut down expenses, what would you say as between cutting down the engineers and any of the regular regiments ?

General SHERMAN. I would say that if you are compelled to economize, we can better postpone the instruction of engineers till we need them ; and I contend that we need all the other troops for actual service now.

Mr. ALBRIGHT. In the event of actual war is not the scientific education a necessity ?

General SHERMAN. Yes. It is a necessity, but if you are bound to dispense with anything you should dispense with that which can be most readily spared. You cannot dispense with the soldiers who are now guarding against the Indians, for the Indian question is actually upon us, and we must have troops enough for that purpose.

Mr. DONNAN. I understood you as intimating that the Eighteenth Infantry might be spared from South Carolina. If it can be would its services elsewhere be indispensable.

General SHERMAN. Yes, sir ; that regiment should replace the regiment in Arizona, the Twenty-third Infantry taking its share of the frontier service. I would put that Arizona regiment for a year or two in some soft place. Men and officers are entitled to a little rest, to a little recreation ; you cannot keep soldiers strained up to the highest point all the time.

Mr. NESMITH. Suppose that some of those companies of engineers were done away with, what effect would that have upon the list of officers in the Army.

General SHERMAN. The engineer officers are staff officers, and if the companies were disbanded the officers would not lose their commissions, but if you disband an infantry regiment its officers are sent adrift to earn their living as they best may. The engineer officers would simply revert back to their positions as staff officers.

Mr. DONNAN. I see that Fort Walla-Walla has left the jurisdiction of the War Department.

General SHERMAN. That was so ; it was given up to the Indian Department, but after some conferences Gen. Jeff. C. Davis asked leave to re-occupy Fort Walla-Walla, and it has been turned over again by the Indian Department to the War Department and is re-occupied.

Mr. HAWLEY, of Connecticut. Can you dispense with the special instructions in the Engineer Corps any more than you can dispense with the special instructions in the artillery ?

General SHERMAN. I understand it is a question of economy, as between them, in case you can not afford to keep them both up. In peace the artillery is useful, as infantry, and is subject to the command of the Department commander, whereas the engineers are not. In war both are indispensable. Now the engineer battalion is a warlike luxury.

Mr. HAWLEY, of Connecticut. The having men trained in the artillery is not a luxury ?

General SHERMAN. No, that is not; it is a necessity. We do use our artillery at all times as infantry, and if these engineer troops will come in and take their fair share of duty, I will say nothing further; but as they are now kept at Willett's Point as a kind of show station, and as you gentlemen want reduction in the army, I think that if any reduction is to be made, then that is the place to begin.

Mr. HAWLEY, of Connecticut. Why do not these engineer troops garrison forts like other troops?

General SHERMAN. I should be most happy if they would do so; but they are not subject to my orders or that of the local commanders at all.

The CHAIRMAN. Is there any reason why they should not be?

General SHERMAN. I do not know of any; but I know that I have no more command of the engineers than I have of the marines.

Mr. HAWLEY, of Connecticut. You have no command of the ordnance either?

General SHERMAN. Nor of the ordnance either; I could not get a cartridge without somebody else consenting to it.

The CHAIRMAN. Can any officers in the line or staff be dispensed with to advantage?

General SHERMAN. I have no doubt but that you can curtail most of the staff departments, if it be absolutely necessary.

The CHAIRMAN. What is the average cost of a soldier in the different arms of the service, including all supplies and all necessary expenses?

Adjutant-General TOWNSEND. That statement [handing a written paper] was made up about five years ago. It was then about \$1,045 a year for each soldier; but I am having a corrected estimate made.

General SHERMAN. I understand that estimate to have been made by simply taking the aggregate cost of the Army for a year and dividing it by the number of men. Such an estimate is not fair, for a large part of the annual appropriation is not for the maintenance of soldiers, but for increasing the value of public property, such as forts, roads, wharves, warehouses, &c.; that may be reconverted into money by sale.

The CHAIRMAN. What items of the Army appropriation bill of last Congress would be unaffected by a reduction or an increase of the Army?

General SHERMAN. I have never seen a list of the last appropriations for the Army; soldiers are not supposed to be economists.

The CHAIRMAN. On the subject of fortifications, please to state what fortifications or works of defense that are now in process of construction should be completed at an early day. Here is a list for which appropriations were made last year.

General SHERMAN. [Going over the list.] Some of these forts, if I had to defend them, I would go outside to do it.

Fort Preble is of little use.

Fort Scammel is not much better.

Fort Warren is an important point, because it covers the entrance to Boston Harbor; but it is substantially finished.

Fort Winthrop is also substantially finished, so that you can dispense with heavy appropriations for that.

Fort Independence the same.

Fort on Dutch Island, in Narragansett Bay, is of about as much use as if it were in the Florida Channel.

Fort at Willett's Point will be, in connection with Fort Schuyler, a very important work in the event of the Government succeeding in deepening the channel by Hell Gate to the extent of 30 feet. If that is done

it will, in my judgment, reverse the foreign commerce of New York, and bring it all through Long Island Sound past Hell Gate to the East River, allowing such ships as the Great Eastern and the largest ships of the world to come through Long Island Sound. In that event the heavy iron-clad fleets of England could come through the Sound, and we would have to have a fort at Willet's Point; but at present, and until that is done, I would not spend a cent on it.

Fort Hamilton.—There is no expense needed there.

Fort Tompkins.—There is some expense needed there to finish it up.

Battery Hudson.—I do not know anything about it.

Fort Delaware, in the Delaware River.—That is a tower in the middle of the Delaware River, and I should think it is substantially finished.

Fort McHenry.—It is not necessary, I think, to spend any more money there.

Fort Foote.—Of course not any there.

Fort Washington.—That would be a waste of money. God only knows what we want a fort there for. No iron-clad ship can get up the Potomac River; we can hardly get vessels drawing 13 feet of water up the river.

Fort Monroe.—That is substantially finished.

Fort Moultrie.—Let it slide.

Fort Sumter.—Let it stand as a monument. The great iron-clad ships of the world cannot now enter southern harbors, and there is no danger there.

Mr. HAWLEY, of Connecticut. Yes, but wooden ships can make a big fight.

General SHERMAN. They can; but wooden war ships cannot get up to Charleston. We could not succeed in doing that when we had eighty or ninety vessels there.

Mr. HAWLEY, of Connecticut. But Fort Sumter was in good order then.

General SHERMAN. It is now in as good order as they left it.

Fort Pulaski, Savannah River.—I would not spend any money there.

Fort Taylor, Key West.—I would give a small appropriation there.

Fort Jefferson.—The same. I would finish it up.

I would not spend any more money on Fort Jackson, or on Fort Saint Philip either.

San Francisco Harbor ought to be pretty well fortified by this time. You can spend more millions of dollars there than you can count, if you go on; but that Alcatraz Island was left by nature as a natural traverse right across the channel, and I look upon San Francisco Harbor to-day as more difficult of entrance than Portsmouth, England.

Mr. ALBRIGHT. Is there a fortification below at Lime Point?

General SHERMAN. Not yet; there probably might be some moderate appropriation needed for Lime Point. They are simply preparing a place for a battery there; but Alcatraz Island is the natural fort.

Fort Point is a good fort, but it is on one of those sea-coast bluffs where you can on short notice put up earth batteries.

Portsmouth Harbor.—I would not spend any more money there now.

Mr. HAWLEY, of Connecticut. They have got a navy-yard there which it would be necessary to defend?

General SHERMAN. Yes; but let them remove that navy-yard to New York, where they can get plenty of men.

Portland is a very important harbor—a deep, good harbor—but I understand that Fort Scammel is substantially completed.

The CHAIRMAN. Could not the harbor of Portland be defended by earthworks?

General SHERMAN. I think not; you have to build vertical walls there, because you have to make use of little islands in the harbor. There could be earthworks thrown up, of course, but at immense cost, and subject to damage by constant wash.

The CHAIRMAN. I see that there is quite a large amount asked for Portsmouth Harbor. Is it necessary to go on with this work?

General SHERMAN. I think not.

The CHAIRMAN. They want \$100,000 for Fort Warren, in Boston Harbor.

General SHERMAN. You can spend any amount of money there as fast as you please, but I do not see what the use of it is for fighting-purposes.

Adjutant-General TOWNSEND. It is to strengthen the works so as to resist the new class of ordnance. The ordnance now used on the war-vessels is so heavy that these walls would be battered down in a very short time.

The CHAIRMAN. They want \$85,000 for covers for ammunition at Long Island Battery, in Boston Harbor; and additional work, costing \$110,000, at Fort Winthrop.

General SHERMAN. Fort Winthrop is, in my judgment, the strongest place in that harbor. It is almost too near the city for its defense; but still, with Fort Winthrop there, no hostile fleet would go within the inner harbor until Fort Winthrop was first reduced.

The CHAIRMAN. The aggregate amount asked for Boston Harbor is \$315,000.

General SHERMAN. If you are flush of money, and want to spend it, you can do it on forts easily enough; but if you must economize, I should judge that now is a good time to begin on these fortification-estimates.

The CHAIRMAN. They ask \$50,000 for Duncan's Battery, Rhode Island. Do you know anything as to the necessity of this?

General SHERMAN. I do not.

Mr. NESMITH. They ask for an appropriation of \$5,000 for defenses at the mouth of the Columbia River.

General SHERMAN. That, certainly, is very reasonable.

The CHAIRMAN. They ask for \$65,000 at San Diego, Cal.

General SHERMAN. I would not give them a cent there. There is no great interest there to defend.

The CHAIRMAN. They ask for \$40,000 for Fort Trumbull, New London Harbor, Connecticut.

General SHERMAN. I think that Fort Trumbull is finished substantially.

The CHAIRMAN. It is designed to modify the exterior battery so as to mount heavy guns.

General SHERMAN. The engineers do require other masonry for these modern heavy guns, and it might be well to allow the Chief Engineer a liberal contingent fund for a few salient guns at all those forts.

The CHAIRMAN. They wish for another appropriation of \$40,000 for Fort Griswold, New London Harbor, to modify the extending battery so as to mount heavy guns.

General SHERMAN. I do not see the necessity for any more forts there.

The CHAIRMAN. What as to Fort Schuyler?

General SHERMAN. Fort Schuyler and the fort at Willet's Point would be important in the event of a channel being opened through Long Island Sound and through Hell Gate, because in that event vessels as large as the Great Eastern could pass Fort Schuyler.

Mr. HAWLEY, of Connecticut. New London is like Portland, a harbor where the largest vessels can go.

General SHERMAN. Yes, but when you have a clean shore like that at New London and plenty of people at hand, you can throw up good earthworks in a single night, in case of imminent danger.

The CHAIRMAN. Seventy thousand dollars is asked for Fort Columbus, Governor's Island, New York.

General SHERMAN. I do not know anything about that. All these works on or near the water are very costly, and it is almost impossible to limit their expense.

The CHAIRMAN. They ask for an appropriation of \$40,000 for Fort Hamilton, and \$88,000 for Fort Tompkins, New York.

General SHERMAN. These are the two great forts at the Narrows. They are the most important forts in the United States at this moment, and I think you ought to give the Chief Engineer what he asks for them. New York ought to be perfectly defended. Fort Tompkins is the work on the hill overlooking Fort Wadsworth, and is substantially the same fort. It was first built during the war of 1812, and was named, I believe, after Governor Tompkins, of New York, and is now remodeled.

The CHAIRMAN. Fifty-five thousand dollars is asked for Fort Mifflin, on the Delaware River, near Philadelphia. Your opinion, generally, is that the work had better be suspended on these fortifications?

General SHERMAN. Yes; if you want to save money at this particular juncture.

The CHAIRMAN. Then the other point follows. Is any important point left in such a state as that, in case of war, we could not prepare it in a short time for defense?

General SHERMAN. I think I have a right, as a military man, and also as a citizen of the United States, to say that the whole problem of sea-coast defense has changed within my day. The building of railroads, whereby five, ten, or fifteen thousand men may be picked up and thrown from one point to another with great rapidity, and with absolute certainty, takes away from the country all fear of invasion by any nation on earth. We do not fear, now, the landing, on our coast, of the armies of any people. The only object of fortifications on the sea-board is, therefore, to protect some rich city like New York or Boston, which is very tempting to an enemy like England that might dash in, lay the city under contribution, and get out before we could wake up. We do not fear the disembarkation, on our coast at Baltimore, or at Pensacola, or in North Carolina, of any enemy, as we did in 1812. Nothing of that kind can now happen. There is no remote apprehension of it. Therefore I would cease this extraordinary expenditure of money at every little place where a schooner, or a brig, or an ordinary ship can run in; and I would only guard the most important harbors of refuge and those great cities which alone can tempt a foreign enemy to make an attack on our coast.

The CHAIRMAN. With the improvements made in modern artillery can we guard our coasts?

General SHERMAN. Yes, sir; the improvements in modern artillery have been negatived in a great measure by the greater draught of water that ships, carrying large ordnance, have. The Channel fleet of England cannot enter a single port of the United States, except, possibly, at Newport, R. I. The vessels which carry these heavy guns cannot approach our coast within range. There is not one such vessel that can come into New York Harbor.

Mr. HAWLEY, of Connecticut. But have they not strong vessels of lighter draught that can ?

General SHERMAN. Yes, sir ; but generally they have allowed their old ships, drawing 20 or 25 feet of water, to go into disuse. England now guards the Channel and the Mediterranean by great vessels, and those are the class of vessels that usually carry that kind of guns. None of these ships can bother us here.

Mr. HAWLEY, of Connecticut. Then, if they would not send these ships here, what would they send ?

General SHERMAN. In my opinion they would not send anything, unless they might send some small, swift, sharp vessels that would run into one or more of our ports and get out again as fast as possible after having done a little damage. Torpedoes will also check invasion. They are easily made, easily planted, and easily fired off by telegraph. If foreign wars arise, England, Spain, or other European powers would limit their warfare to our ships and vessels, either of war or of commerce, on the open sea. Our harbors would be harbors of refuge rather than of defense against such ships.

The CHAIRMAN. Would it not be better to expend money on heavy guns rather than on forts ?

General SHERMAN. It would be far better for us to buy the best guns and carriages, and store them at points convenient for transportation. The money would be far better spent in that way than in building forts which cannot be moved. Three guns on land are usually deemed equivalent to one hundred guns afloat, and while a party of two hundred men would be transporting, say three 15-inch guns from your arsenal at Fort Columbus, in New York Harbor, to some point on the Chesapeake Bay, (for instance,) a few thousand other men could throw up all the necessary cover for those guns. Therefore, when a war does break out, you should have the best of modern artillery, and be able to throw it to any point needed. As I say, three 15 or 20 inch guns on land will nullify a hundred guns of like caliber afloat—I do not care behind what strength of iron plates it may be. The bigger they build the ships, the greater the draught, and the less danger to us on land.

The CHAIRMAN. Do you think that the Government should have an ordnance foundry of its own ?

General SHERMAN. I think that the Government can make contracts with private foundries which, by having inspecting officers standing by while the work is going on, will answer every purpose.

The CHAIRMAN. Can these heavier guns be made, with facility, in many places ?

General SHERMAN. Cast-iron guns, yes ; wrought-guns, no.

The CHAIRMAN. Should we have a foundry to manufacture wrought-guns, rifle-guns ?

General SHERMAN. The English have at Woolwich, probably, the best arsenal on the face of the globe, and there they make what is called the built-up gun, with coils of iron. These guns are extremely costly and extremely valuable, but it would cost this Government probably six or seven millions of dollars to get the machinery and put it in successful operation.

The CHAIRMAN. But would it not be a saving in the end ?

General SHERMAN. Yes ; if you take a calculation of thirty years, there would be economy in it.

The CHAIRMAN. Having the object in view of supplying guns for ample coast defense, would it or not be economy to have a foundry of our own ?

General SHERMAN. I think it would be economy to have a foundry belonging to the United States, where our own officers could control the kind of metal thrown into the pot, and be sure that no slag or imperfect particles of iron were left in the fused metal. The Government officers having control would be less tempted to substitute imperfect ores and imperfect metals than contractors would be.

You can get cast guns now from private foundries by having Government officers present to correct any attempt to use imperfect mixtures of iron, and by having the guns afterward subjected to test, both by hydraulic pressure and by the actual test of gunpowder. That would secure us good cast-iron guns. I think the tendency in Europe is to dispense with national foundries, and to trust to private manufactories. The impression which was left on my mind, in a very thorough visit to the Woolwich arsenal, in England, was that they are leaving this thing more and more to private establishments. Even when the government manufactures its own guns, it has to buy the steel cores from private factories, and this steel forms the core of the guns which takes the rifling and secures the strength and accuracy of the barrel. I think that one of these coiled guns—a 25-ton gun—costs the English government about \$60,000, and that gun is about equivalent to our 15-inch gun. It is a rifled gun, with a diameter, I think, between 12 and 13 inches, but its shot is elongated. It throws a Palisser shot.

Mr. HAWLEY, of Connecticut. The English beat us in the wrought gun, but do we not beat them in the cast gun?

General SHERMAN. I believe they admit that we do. They say that our 15-inch gun is better than any cast iron gun that is now made in England; but they laugh at us for sticking to cast-iron guns. They say that they have abandoned the cast guns for several years, and that they will never go back again to it. I have no doubt that our 15-inch cast-iron gun, well cast, is the cheapest gun for our general use; but it is subject to sudden explosions and to the destruction of the men serving it.

The CHAIRMAN. Do you think that it is advisable to go on with the rapid manufacture of small-arms?

General SHERMAN. No, sir; we can buy them from the private establishments faster than we can collect and equip men to use the arms.

Mr. HAWLEY, of Connecticut. You cannot start making a new pattern of gun within six months' time in any one of these factories, because they have first to go to work and make the tools and the tests and the gauges. But when they get the machinery in order they can turn out the arms with great rapidity.

General SHERMAN. You ought to have on hand 200,000 of the best possible muskets at all times.

The CHAIRMAN. Would or would it not be necessary to have the machinery for making arms?

General SHERMAN. It would not, because that machinery may be superseded by new inventions. The inventions in this country in the manufacture of small-arms for the last ten years have been wonderful. The best proof of it is that there are, to-day, agents, from the Spanish, the Turkish, the Egyptian, and other governments, in the United States getting arms.

Mr. HAWLEY, of Connecticut. An arms manufactory establishment in my own town is now finishing a contract for the amount of \$1,100,000, and is making machinery for the new Prussian rifle, because they can make better machinery here than in Prussia.

General SHERMAN. The Springfield armory is very fine and should always be kept in full operation, for account of the Government.

Let me run over this list of arsenals, and I will, generally, give you the impression of the line officers regarding them.

Our impression is, generally, that the tendency of things is to contract the number of arsenals to about four, viz: One great one for the Atlantic, one great one for the center, and one great one for the Pacific, such armories to be first-class arsenals, armories, and manufacturing establishments of the highest order. Springfield is usually believed to be the best point on the Atlantic, because the Government owns the property there and the machinery and everything is in good order. Rock Island is admirably qualified for the second, and is in a fair state of progress. Benicia is the third. The fourth point is on the Delaware River above Philadelphia, and is known as Frankford arsenal. It seems to be, by universal consent, the best point for the manufacturing of such things as cartridges, harness, &c., for the use of the artillery. Four such arsenals of the very highest order would fulfill all immediate necessities and future probabilities. Every other arsenal that we have I would sell, or transfer to the Quartermaster's Department for the use of the Army, generally.

Mr. GUNCKEL. About how many other arsenals are there?

General SHERMAN. There are a great many—twenty-five by the Register of 1873.

The CHAIRMAN. Would it not be better to have arms distributed by the United States in various arsenals, at different points, in case of rebellion or insurrection?

General SHERMAN. By law, the militia are supposed to be armed. Congress distributes every year \$200,000 in the form of arms to the militia of the States, *pro rata*. The militia are thus supposed to be armed. They are of course imperfectly so, but I would venture to say that there are at this moment a million of muskets in the hands of the volunteer companies and militia throughout the United States.

Mr. HAWLEY, of Connecticut. But these arms are of a great variety of styles, and if the men were in the field, they would require at least forty different sizes of cartridges.

General SHERMAN. But still our people are better armed to-day than any people on the face of the globe.

Mr. NESMITH. There is a proposition now coming from the Ordnance Department to increase the appropriation for furnishing arms to the States. I applied for arms for my State, but was told that we had already overdrawn our quota, and, though we needed arms very much, we could not get them on that account.

General SHERMAN. That law ought to be modified so as to suit the actual condition of the country. Your State, Oregon, is a new State, and is in the condition of semi-war.

Mr. NESMITH. All the time.

Mr. HAWLEY, of Illinois. You spoke about there being a million of arms in the hands of the people. Do you mean that they are collected in the local arsenals?

General SHERMAN. No; I mean that they are in the hands of volunteer companies of the militia and people at large. I suppose that, in the State of New York, there are 15,000 or 20,000 volunteers, well armed and equipped, and about the same in Pennsylvania.

Mr. DONNAN, of Iowa. It is impossible in our State to arm and equip volunteer companies.

Mr. HAWLEY, of Connecticut. The State of Connecticut can send out, on two hours' notice, 40,000 men, ready to take the field.

Mr. HAWLEY, of Illinois. What is your opinion as to the repeal or

modification of the law in regard to promotion in the Ordnance Department?

General SHERMAN. If reduction is forced upon the Army by the financial condition of the country, (of which Congress must be the sole judge,) I unhesitatingly say that you had better cut off at the head than at the foot; that the most valuable part of our military establishment is in the inverse order of its general arrangement. I look upon two cavalry regiments or even infantry regiments as worth more than the whole general staff, *myself* included. I would rather see Congress abolish me and my office, and turn me loose to get my own living, and tear out the first 38 pages of the Army Register, than to see it disband two such regiments. But that, of course, is not the answer you want. I think you ought to take each of these staff-departments by itself and ascertain the number of officers of every rank required in each of them, and fix them at that, and then repeal the other law prohibiting promotion, and let the President conform the re-organization of the staff of the Army to suit the new law. To repeal that law, (prohibiting promotion,) as to one department, (as you did for the engineers,) and not for the others, is a discrimination in violation of the fourteenth amendment of the Constitution, in my judgment. The Ordnance Department now seeks to obtain the same repeal as to itself. In my judgment there is not a bit of necessity for such favoritism. They have got plenty of ordnance officers for every probable contingency that can arise in the next year.

Mr. HAWLEY, of Illinois. The President in his message speaks of it.

General SHERMAN. Yes; because he is very much pressed by mothers and aunts who want to get their sons and nephews into some soft place. The Ordnance Department is the softest place in the Army, and they all want to get into it, especially young men with influential congressional friends. I may as well use plain language. There are sixty-one ordnance officers now, and how they find employment for them all, I don't know.

The CHAIRMAN. Can you suggest any reduction of expenses in connection with the Quartermaster's Department?

General SHERMAN. It is very difficult to reduce the expenses of the Quartermaster's Department, except by giving increased power to the department and post commanders at remote points, and by throwing upon them the responsibility of supervising, generally, the disbursements in the Quartermaster's Department. That would, I think, effect some economy. General Sheridan is of that opinion, and has, repeatedly, urged me to accomplish it. At present all estimates in that line come here to Washington, sent by the quartermasters at remote points to the Quartermaster-General here, who has authority and discretion to a certain extent to fill these requisitions and estimates, and they are disbursed through his supervision. The department and post commanders have no control whatever of the disbursement of the money. Of course, no department commander is willing to give his personal time and attention to the expense of shingling, to the hauling of rock and the blasting of rock, and such things, except it is made his duty. If it was made the duty of commanding officers, such as Terry, and Pope, and Ord, to give their personal attention to such matters, and to approve every abstract of disbursement or abstract of issue, I think it would result in economy; but to what extent I really cannot say. It would also increase the responsibility of our department commanders, which is the best way to insure efficiency of administration on the frontiers. As a rule the officers serving at remote places are the best judges of what work should be done, and having command of men, and military authority, they can

compel economy better than the Quartermaster-General at this remote distance. Still, as the actual expenditures of money and property must be limited to the appropriations, the Secretary of War must scale all estimates before approving any specific work.

Mr. NESMITH. Why cannot the Paymaster's Department of the Army be transferred to the Quartermaster's Department?

General SHERMAN. The Quartermaster's Department could make the payments to the troops, but the experience of the last twenty years has been so favorable to the Pay Department that I would hardly like to suggest such a change. The Paymaster's Department also ask for the same repeal of the prohibitory clause that was made in favor of the Engineer's Department, and I am certainly disposed to admit that they need more paymasters than they now have. The payment must be made to the troops every two months, as required by law, and the soldier ought to be paid regularly.

Mr. ALBRIGHT. Are not the troops inspected occasionally by paymasters?

General SHERMAN. Never. They merely have muster-rolls, exactly the same as we had during the civil war, and, on these rolls, the paymaster pays every individual man his money. He is supposed to pay them individually, but sometimes he does it through his clerk. He is, however, held responsible for the money, and the payment of each company has to be witnessed by one of the company's officers, who knows every man and sees that he gets his money.

Mr. HAWLEY, of Connecticut. Talking of estimates of quartermasters, should not all estimates of that kind not only come up through the Department commander, but come directly to you, if we are going to have a head of the Army?

General SHERMAN. I do not care about these estimates coming to me, because that would involve a good deal of labor; but they all ought to come through the Department commander to me, and the orders for the disbursement should go back through him, so that he, personally and officially, would know that his quartermasters were going to do certain work, even to the putting a new roof on a stable, (no matter whether it cost \$3 or \$3,000,) and that he must see that the money was properly disbursed.

Mr. HAWLEY, of Connecticut. You have spoken of posts being established, at considerable expense, for quarters, &c., and being afterward discontinued and new posts established. How can the Quartermaster's Department, if it is entirely detached (as it is now) from the line of the Army, judge as well of the necessity for abandoning old posts and establishing new ones as the Department commanders and yourself?

General SHERMAN. The Quartermaster's Department cannot possibly do so; the Department commander is the true judge as to the necessity of dispensing with one post and of occupying another.

Mr. HAWLEY, of Connecticut. If we have a general who knows his business, can he not look on the map and tell where there is likely to be lines of occupation needed better than any quartermaster?

General SHERMAN. Undoubtedly, better than any quartermaster. If I did not know more than any quartermaster about such things, I would vacate my position.

Mr. HAWLEY, of Connecticut. You say that the Department commanders should forward the estimates of the quartermasters, and see to the disbursement. Is there not the same necessity for one head to revise and give symmetry to the whole?

General SHERMAN. That probably ought to be done, but the Secre-

tary of War, *ex necessitate*, must be the absolute judge ; for he must make the final decision. Estimates should be made on the spot and sent to the Department commander for his approval, who should immediately send them to the headquarters of the Army, then they should be immediately laid before the Secretary of War for his final action ; and the orders should go back the reverse way.

Mr. ALBRIGHT. What would you suggest as to the Paymaster's Department being merged into the Quartermaster's Department ?

General SHERMAN. The Paymaster's Department has paid the troops well, and has accounted for the money well, and I am told that it has done it cheaply, viz, at a very small percentage on the aggregate disbursement. To change a well-established system for another system is always of doubtful wisdom. I can only answer that the quartermasters at the various posts could pay the troops and could account for the money to the Treasury just as the paymasters do now, and the only good result would be to dispense with one entire department of peace establishment, viz, the Paymaster's Department.

Mr. ALBRIGHT. Could not the duties of the Inspector's Department be performed by the Paymaster's Department ?

General SHERMAN. Paymasters are generally not military men, but are often civilians appointed from private life. They are hardly qualified to inspect troops in a military sense.

Mr. THORNBURGH. In detached posts why not make the commanding officer of the post pay the troops under his command, and be responsible to the paymaster of the district for the disbursement of the money, thereby reducing the number of paymasters ?

General SHERMAN. I would not like to see a commanding officer of a post hampered with any disbursement of money, for which he would have to account to the Paymaster's Department, or even to the Treasury. This would tie him down, when he should be on the wing. He is responsible for the safety of his post and of the neighborhood, and should not be a disbursing officer. A quartermaster is very different, and each post has a local or acting quartermaster.

Mr. THORNBURGH. But the regular assistant quartermasters are scattered.

General SHERMAN. They are generally at depots, but every military post *must have* and does have a quartermaster, whom we call "acting assistant quartermaster and commissary." He has the actual disbursement of money, and of supplies to the troops at that place, and he accounts to the Quartermaster-General for one part, and to the Commissary-General for the other. He could make other payments, and could pay the men on the rolls just as the paymaster now does, and the Paymaster-General might re-imburse the Quartermaster's Department without further compensation, but I do not know how it might work in practice. The Treasury now holds the paymaster responsible, and he is supposed to pay the money direct to the individual officer and soldier.

Mr. HAWLEY, of Connecticut. Could the Quartermaster's Department and the Commissary Department be consolidated ?

General SHERMAN. The general view is, if consolidation must be, that the Inspector-General's Department and Adjutant-General's Department might be united ; and the Paymaster's, Quartermaster's, and Subsistence Departments, might be united, as they are in England, under the name of "Control ;" and the Ordnance and the Artillery. The duty of the Signal Department might be imposed on the adjutants of regiments, and the non-commissioned staff. For instance, it might be made a prerequisite that the adjutant of a regiment should be also a signal officer capable of

communicating his orders, by pen, by flag, by torches, or by word of mouth. In this way you could dispense with some of the numerous departments which, I confess, I see every day to be more and more working to the mischief of the Army proper. There are too many heads in the Army now. To consolidate departments, and to accomplish economy at the same time, will require a good deal of study.

The CHAIRMAN. Can you suggest any reformation or diminution of force in the Quartermaster's Department, either of enlisted men on extra duty, or of civilian employés? I see by the last report that there were 3,021 enlisted men on extra duty, and some 2,800 civilian employés.

General SHERMAN. It would require a very minute examination of the number employed at each point to enable me to answer the question. Local quartermasters furnish monthly a return of "persons employed, and of articles hired," and these returns have been consolidated, I suppose, and have resulted in the figures, which you have before you. Hirelings in the Quartermaster's Department are sometimes teamsters, sometimes employed at quarries, and sometimes in getting out timber, and in making excavations for barracks, &c. They all have to be reported in returns to the Quartermaster-General, and these returns are consolidated in that shape. I do not know how I could answer that question intelligently without going over the Quartermaster-General's whole list. It has been a constant struggle, I know, on the part of the Quartermaster-General, and of all in authority to cut down this particular list. We have tried to cut it down, and have cut it down; but it will not stay cut down.

There is another point which I would like to state. The officers of the regular regiments naturally look to me as their representative here in Washington. Their interest in their profession has been very much shaken by the repeated reductions of the Army since the close of the war, every one of which reductions has fallen upon the line of the Army. This makes them feel insecure in their profession. They are fearful that at any moment they may be turned out to earn their living in the best way they can, and it shakes their faith in the perpetuity of their employment and profession. To that extent it injures the Army very much indeed.

Mr. GUNCKEL. They are the easiest hit?

General SHERMAN. They are easiest hit because they are the farthest away, and have the fewest friends here at the capital; but they are the most useful part of the Army. I think that, if any diminution of the Army must be made by this Congress, these officers ought to have some assurance that it will be final; because, otherwise, the best blood in our Army will seek employment elsewhere, and will leave us with a set of drones on hand. Even now the best officers of the Army are applicants for paymasterships and staff positions, or for anything that looks like a harbor of refuge. I am sorry to see it, because I know it is injurious to our profession to have our most intelligent officers looking elsewhere for employment. They lose their interest in their companies and in their regiments. They lose their *esprit de corps*, and to that extent that they cease to be as good officers as they otherwise would be. Therefore, I think it to the interest of the nation that the officers should have some assurance that the reduction of the Army is at an end. You cannot further reduce the number of enlisted men in the regiments without reducing the number of officers, for the companies are now too small.

If you add up the line regiments in the recapitulation, you will find that the forty regiments now in the Army number about 25,000 men. You may limit the number of men allowed to the engineer battalion, or

you may limit the number of men about recruiting stations, and more especially the numbers who are counted as soldiers, but in fact are clerks, (481 I think.) and you can save 50 per cent. on these figures, without impairing the efficiency of the Army itself. There are 481 men reported as detailed as clerks here in Washington and at the several headquarters, who are charged against the Army as soldiers. We must, of course, have clerks here and elsewhere, but they ought to be called by their right name. They ought to be called clerks, and not soldiers. Then that West Point detachment ought to be classified and paid under the appropriations for the Military Academy. There, too, is the signal detachment, with 450 men, who are no more soldiers than the men at the Smithsonian Institution. They are making scientific observations of the weather, of great interest to navigators and the country at large. But what does a soldier care about the weather? Whether good or bad, he must take it as it comes.

Mr. DONNAN. Could men be got outside of the Army to do the work cheaper?

Mr. HAWLEY. That is the most popular work connected with the Army now.

General SHERMAN. Very well; but don't call it the Army. That is all I mean. The men who make the weather observations are, in fact, hired from civil life. They are not soldiers, and are not doing soldiers' duty.

The CHAIRMAN. Have you an idea what the Signal-Service costs?

General SHERMAN. I have not. All I know is that there are 450 men employed, and charged to the Army as soldiers, in the Signal-Service, and I bet that every man of them is at least a sergeant.

Adjutant-General TOWNSEND. There are 120 of them sergeants.

General SHERMAN. Then there are 381 hospital stewards on this recapitulation, less than half of which are actually stewards at military posts.

Adjutant-General TOWNSEND. That includes the hospital stewards at about one hundred and fifty posts. The others are detailed as clerks.

General SHERMAN. They are detailed as clerks here, and they are charged to the Army as hospital stewards. It is the same with commissary sergeants, who, however, are at their posts and doing good duty, viz, 152.

Mr. ALBRIGHT. But the Government actually saves money by their employment in that way.

General SHERMAN. That may be true, but they ought not to be charged to the Army as soldiers.

Mr. ALBRIGHT. They are doing work which pertains to the Army, as clerks.

General SHERMAN. Yes, but most of these hospital stewards are in the Medical Museum here in Washington. That is a very valuable institution, but it has nothing to do with the Army, as such. This Army Museum is of great interest to the whole medical profession, and I hope that Congress will be liberal to it; but my purpose in thus referring to it is to explain the figures that go to make up the 30,000 enlisted men, to which we are now restricted by law. All I aim at is to explain each item, and to advocate the cause of that part of our military peace establishment which is known as the line of the Army, so valuable in war, but so easily pulled to pieces when visible danger is past. Our country is prolific of men capable for these staff bureaus, but soldiers are not so easily manufactured, and to be of value they must be schooled exactly as is now being done on our remote frontier, in contact with actual danger.

WASHINGTON, D. C., *Thursday, January 8, 1874.*

Adjutant General TOWNSEND appeared before the committee, and was examined, as follows :

The CHAIRMAN. Can the Army be reduced in numbers with advantage to the military service and the country ?

Adjutant-General TOWNSEND. I suppose the committee wishes me only to supplement the information which General Sherman gave.

The CHAIRMAN. Yes ; you heard that.

Adjutant-General TOWNSEND. I think that the true economy of the country at large would be better subserved by maintaining the Army as it is, at any rate for the present. Besides the posts that are garrisoned and the duties that are done, as described by General Sherman, the Secretary of War has very frequent applications for escorts to Indian commissioners ; to persons conveying bullion for the Treasury from one end of the continent to the other ; for surveys sometimes connected with the military service, and sometimes with boundary commissions, like the British and American boundary commission at present. If the Army did not furnish both the men and transportation for such purposes as those, they would have to be provided for from civil life, and at a much greater expense. As to the size of the companies, they are now as small as it is safe to reduce them. The Florida and Black Hawk wars are two noted instances of where what used to be considered skeleton companies caused Indian hostilities that cost the country many millions. In the Florida war Dade's massacre was undoubtedly provoked by the very small number of men at military posts. The Indians knew very well how many men there were under Dade's command. They saw that the companies were reduced in many instances to fifteen or twenty men, and they knew that it would be a long time before troops could be brought into the country, and that they could succeed in their object. Now, with the system of recruiting as carried on at present, we so arrange that the companies in the presence of Indians can be frequently re-enforced. For instance, at Fort Laramie there are about seven hundred or eight hundred troops in the presence of seven or eight thousand Indians. These are warlike and restless Indians. As fast as the companies become a little reduced, detachments of recruits are sent there. The moral effect of this upon the Indians is that they are kept quiet, because they see troops coming all the time, and they do not know any limit to the supply. In the northern portion of the country, on the Upper Missouri, there are only about six weeks in the season that recruits can be sent there without being marched overland at great expense and suffering. In the southern part of the country, Texas for instance, they can only be sent in the fall, because in the summer season they are liable to epidemics ; whereas if they go in the fall they have the winter to become acclimated, and so the percentage of sickness is much reduced by that course. We do not keep in depot recruits in any number. They are sent off within a very few weeks of the time of their enlistment. Thus no time is given to instruct them before they get to the regiments. That is a very serious evil. If the recruits could be kept long enough in depot to be instructed, so that they knew how to carry their guns and to load them, and to march with a little order, they would be less apt to desert on their way. They would be under better discipline, and would be more useful when they arrived at their destination, as sometimes their companies are in the field and they are obliged to go into active service without being drilled at all. That, however, is an advantage which we have to forego, because of the economy with which

the recruiting service must be conducted, and also because of the limit to the number of men.

General Sherman alluded to the table at the last part of the recapitulation: "Permanent and recruiting parties, music-boys, and recruits not available for assignment;" "general service men on duty in the bureaus of the War Department, Army, division, and department headquarters;" "Ordnance Department;" "West Point detachments;" "signal detachment;" "hospital stewards;" "ordnance sergeants;" "commissary sergeants." All of these come out of the thirty thousand men allowed to the Army. For instance, to carry on the duties of the signal-service all over this continent the Secretary of War allows one hundred and twenty-five sergeants. These sergeants are not additions to the organization of the Army, but the muster-rolls are examined periodically, and the number of vacancies which actually exist in the grade of sergeant in the various companies is averaged. Thus, without taking any sergeants from the companies, the signal-service gets the advantage of a man enlisted especially for his adaptation to that duty, and this man has the pay and grade of a sergeant in the regular organization of the Army. While the companies thus lose nothing, the signal-service makes use of those sergeants. The detachment of signal-service men is, at the present time, rather larger than is authorized by the Secretary of War; but this is an accidental occurrence. The Signal-Officer keeps at Fort Whipple, on the other side of the Potomac River, a detachment of men under instruction as soldiers, and makes them do duty as soldiers. It is a regular military post. He selects from these men the most intelligent and skillful, and appoints them to the rank of sergeants. That detachment will be diminished to the number which the Secretary of War allows, and which is the strength allowed to a company of infantry, and no more.

With reference to these clerks who are on general service. The great demand upon the War Department for information to pass pension-claims, bounty-claims, and a thousand other things, every one hurrying to have it done as soon as possible because the claimants are suffering for the money, demanded an increase of the clerical force. We took, then, some men who had served in the volunteer and Regular Army, and who were skillful penmen, and enlisted them especially for clerks. They come out of the strength of the companies, like the First Infantry on the Niagara frontier, or some of the companies of artillery which do not require to be full in order to be effective just at this time. In the event of the service of those regiments being actually required in the field, we should have to break up the clerical system at once in order to give the companies their effective force.

There is another source of labor in the Adjutant-General's Office which cannot be avoided just now. This will be corrected soon. The frequent handling of the muster-rolls in order to get information for the Pension-Bureau and other bureaus, has worn them out so that there was great danger of the information contained in them being lost entirely. To remedy that I have had books made with the blank rolls printed on them, and a great many of these clerks are employed in copying the muster-rolls into these books. That will be a permanent form which can be easily used, and the old rolls will be kept in case of any question of accuracy. The same remark will apply to records of enlistment and other records. We are obliged to refer to them frequently; but I hope in the course of time—I cannot say how soon, but it will be as soon as possible—to have all these records copied and put in shape.

The CHAIRMAN. There being several branches in the Adjutant-Gen-

eral's Office, I would like to know what the clerks are doing in the Provost-Marshal's department now, and how many there are there now?

Adjutant-General TOWNSEND. They are answering questions which are constantly propounded about the quotas for States, on which the payment of State bounties and town and county bounties depends. They are examining the records of volunteer officers with a view to correct them. They are auditing claims for subsistence, clothing, and raising recruits under the collecting, drilling, and organizing fund. And then they are closely connected just now with the Freedmen's Bureau, so far as the colored troops that were in the service are concerned.

The CHAIRMAN. Can they be dispensed with?

Adjutant-General TOWNSEND. Not at present, without stopping that business. As fast as we can we wind up the business. One source of work and labor with us is the constant requests made by people whose affairs have been settled to have them re-opened. We are obliged to do so, because influential persons come to us with those claims, and we cannot refuse to do it, except where there is no new evidence presented.

The CHAIRMAN. There are some forty-six clerks in that branch, are there not?

Adjutant-General TOWNSEND. As I said, their duties are so interlaced with the Freedmen's Bureau, for the sake of economy, that we make one man do the duties connected with two or three offices.

The CHAIRMAN. There are some clerks connected with the Freedmen's Bureau, too?

Adjutant-General TOWNSEND. These are engaged in the duties turned over to the Adjutant-General at the time of breaking up the Freedmen's Bureau, such as the payment of bounties to freedmen, &c. Everything connected with the Freedmen's Bureau has to be wound up by law, and is attended to by these men. We have some six or eight officers stationed in different parts of the country who are disbursing money on that account. The Auditor of the Treasury prepares the claims and sends them over to the Adjutant-General for payment. In that there is a great deal of investigation required in order to prevent fraud, because of the nature of the case. The freedmen are ignorant; they have been imposed upon by agents and others, and our duty is to see that they are righted.

The CHAIRMAN. Is not a large amount of this work disposed of?

Adjutant-General TOWNSEND. We are getting through with it very rapidly, and in a year or two will finish it. As soon as these clerks can be dispensed with it is within the power of the Adjutant-General to discharge them, and he certainly will do it.

The CHAIRMAN. You have some twenty-four clerks employed in the branch of prisoners of war, have you not? How are they employed?

Adjutant-General TOWNSEND. There are a great many prisoners of war who are bringing in claims for commutation of rations while they were prisoners, and these claims are being settled. Then there are changes of record. Men lose their bounty because they are reported deserters, while many of them were prisoners of war, and we have to hunt up their records. The clerks who are employed on these records are also employed upon other business connected with the enlistment branch of the service; and there are men also who can be dispensed with as the work diminishes. We have already diminished the force of clerks in these two branches more than one-half.

The CHAIRMAN. Do you think they can be diminished further?

Adjutant-General TOWNSEND. If they can be, I have the power to do it and shall do it. But, as an illustration of the way in which things

are put upon my Department, and of the necessity of having a large force of clerks, I will state that before the close of the fiscal year, at the instance of the president of the Volunteer Soldiers' Homes, a very large additional force was given to the Second Auditor to settle claims which were to give money to support those asylums under the law. A number, to the amount of between 40,000 and 50,000 cases, was thrown upon my office, to furnish information for within about three months. I had no extra force to meet that demand. My clerks were fully employed in keeping up the current work, and I am 30,000 cases or more behind in that branch. I was obliged to take off the clerks who were copying the record, as I have explained, and to put them on those cases. I have got enough to keep the Auditor going, so that these asylums do not suffer for want of money.

It will be recollected by the committee that since the war several branches of service which were not formerly connected with the Adjutant-General's Office have been added to it. Such were the Freedmen's Bureau, the Provost-Marshal's Office, the Commissary of Prisoners, &c. Then, again, a law was passed giving the soldiers of the war of 1812 pensions. That threw extra work upon my office. Then I have the rebel archives in my office. These clerks are charged to the War Department, but they are under my charge. These archives are arranged as fast as the few men that can be spared will permit. These are very important records. In searching them we find information which enables courts to deny claims to a large amount; in one instance to the amount of \$90,000. If I could arrange them as they ought to be arranged I have no doubt that we should save the Government more than we now do, because I do not know that the papers in a particular case are there.

The CHAIRMAN. Are you sufficiently acquainted with the duties of the clerks in the Secretary's Office to say whether any reduction can be made there?

Adjutant-General TOWNSEND. I should judge that there cannot be, from the fact that the Secretary frequently sends to me to lend him a clerk for a few days.

The CHAIRMAN. Would you say that a reduction of the Regular Army to the extent of one-fourth, one-third, or one-half would effect a corresponding reduction of clerks in the War Department?

Adjutant-General TOWNSEND. I do not think it would.

The CHAIRMAN. Would it effect any reduction?

Adjutant-General TOWNSEND. I do not think it would. The main part of the duty that is done by the Department now is in the settlement of claims growing out of the war.

The CHAIRMAN. If those claims and matters were adjusted and settled the force then could be reduced?

Adjutant-General TOWNSEND. It could be very much reduced, but it would be done immediately by the discharge of these temporary clerks, without any legislation.

The CHAIRMAN. Is it necessary, from the nature of things, that these clerks should be retained now, or could not the work be postponed and prolonged?

Adjutant-General TOWNSEND. The longer it is postponed the more difficult it is to settle it. The chances of fraud in the settlement of these claims are diminished very much when they are settled promptly.

Mr. GUNCKEL. These clerks commence duty at 9 a. m. and close at 3 p. m.?

Adjutant-General TOWNSEND. Those are the office-hours.

Mr. GUNCKEL. What time do you give them for lunch?

Adjutant-General TOWNSEND. No time in those six hours. During the war, when the office-hours were extended to 4 and 5 o'clock in the afternoon, we were obliged to give them half an hour for lunch; but we found that after lunch the men did not do so well. We actually get more work from them in six hours than we would in eight hours. They hurry now to get through with their work because it is the understanding that the day's work must be done before they leave the office, and they frequently stay till 4 or 5 o'clock, and frequently come as early as 8 o'clock in the morning in order to finish it.

Mr. GUNCKEL. Is their average labor longer than six hours per day?

Adjutant-General TOWNSEND. Yes; I think it is.

Mr. GUNCKEL. Would it not be practicable to increase the number of hours?

Adjutant-General TOWNSEND. My judgment, from experience, would be that you would not gain anything by it.

The CHAIRMAN. Do you not think that they can work as long as ordinary clerks work in business-houses?

Adjutant-General TOWNSEND. They have not the same variety of work to interest them. The work in these offices is mere drudgery; it is very uninteresting, and very wearing to the system. Moreover the clerks are crowded, six or eight in a small room, and the air is bad. I think that the clerks in my office do more labor, in proportion to the time employed, than you would find done in business life anywhere.

The CHAIRMAN. Do you know what the annual average of the diminution of the Army in officers and soldiers is?

Adjutant-General TOWNSEND. I hand you a statement which will give you that, in detail, on the aggregate of three years.

The statement is as follows:

Statement showing the average number of casualties per year in the United States Army.

Arm of service.	Died.	Discharged.			Deserted.
		Expiration of service.	For disability.	Other causes.	
Cavalry	130	1,077	277	478	1,910
Artillery	47	582	200	231	1,011
Infantry	239	2,120	503	1,100	3,515
Miscellaneous.....	65	408	133	472	1,377
Total.....	481	4,187	1,113	2,281	7,813

Yearly average of casualties among officers of the United States Army.....83

The CHAIRMAN. So that the decrease of the Army amounts to about fifteen or sixteen thousand a year?

Adjutant-General TOWNSEND. That is about the average at present. We have reduced the number of desertions from 13,000, as it was three or four years after the war, down to this number of 7,813.

The CHAIRMAN. Do you see any difference, as to the effect on desertions, in the new law fixing the pay of men?

Adjutant-General TOWNSEND. We have hardly had time to see the working of that yet.

The CHAIRMAN. What is the annual number of recruits for the Army?

Adjutant-General TOWNSEND. That is regulated by the wants of the Army. I have, every ten days, a statement made to me of the strength of the companies for the whole Army, and also of the number of recruits enlisted.

The CHAIRMAN. How many recruits did you enlist last year?

Adjutant-General TOWNSEND. I have not a distinct recollection, but, as well as I recollect, it was something like 13,000 for all arms of the service.

The CHAIRMAN. What is the average cost of a soldier in the different arms of the service at present, including all supplies and all necessary expenses, that could not or would not be diminished by a reduction of the Army?

Adjutant-General TOWNSEND. The last time I made an estimate of that, was some five or six years ago. The average cost then for every soldier was about \$1,045 a year.

The CHAIRMAN. Can you state what items of expenditure you base that calculation upon?

Adjutant-General TOWNSEND. The pay, clothing, subsistence, and enlisting expenses; I believe that is all. These items are furnished me by the different branches of the service, and I make up the calculation from those reports. I am now preparing, for the Committee on Appropriations, a similar statement.

Mr. THORNBURGH. Are fuel and quarters counted in?

Adjutant-General TOWNSEND. The quarters are generally furnished to men in kind, and I do not take that into consideration. The fuel ought to be counted. It makes no difference as to the quarters whether there are ten men less at a post, because the houses are already built.

Mr. GUNCKEL. What is the average cost, taking the same items, of an English, a French, and a German soldier?

Adjutant-General TOWNSEND. The pay of an English, a French, and a German soldier is very much less than ours. Ours is notoriously the best-paid soldier in the world. In the English service the clothing depends very much upon the colonel, who furnishes it. The colonel of the regiment does not often serve with his regiment, but I believe that in all the English regiments the colonel has the contract for furnishing the clothing. I do not believe that the English soldiers have any money-allowance as ours have, as an equivalent for clothing not drawn. Our allowances are based upon the probable amount of clothing, in kind, which each man will require, and then a man who is careful of his clothing and economical about it gets the benefit of his care, in the shape of money at the close of the year. That is found to be the more equal and just arrangement of the clothing basis. The Prussian soldiers are paid rather better than the English, but the Prussian system of supplies is altogether different from ours. The nature of the service is different in all these three countries which you mentioned. There is a much greater variety in the arms of the service in those countries, and in the places where they serve. For instance, the English troops are all over the world, in all different climates, and their allowances are proportioned to the climate in which they serve, so that I cannot draw any comparison between them and our own soldiers. I do not know the accurate, precise answer to be given to that question.

The CHAIRMAN. I would suggest that you look at the Army appropria-

tion act of last year, and see what items in it would be independent of the reduction of the Army.

Adjutant-General TOWNSEND. I have looked over it. If you diminish the Army, the expense, of course, would be reduced by the amount which every soldier receives. So would the subsistence; so would the clothing; so would the fuel. I can hardly estimate how far the transportation would be diminished. The only items of decrease there would be in the first cost of transporting the soldier to his regiment. The other statements are so dependent on movements, which troops have to make on scouts, and the changes of station, &c., that I cannot make any calculation as to the saving which might be effected in transportation.

The CHAIRMAN. Under the head of regular supplies for the Quartermaster's Department, there are items amounting to four and a half million dollars; what part of them would be increased or diminished materially by an increase or diminution of the Army?

Adjutant-General TOWNSEND. Every item in the regular supplies would be somewhat diminished.

The CHAIRMAN. Are there any items there which would not be diminished by a reduction of the Army?

Adjutant-General TOWNSEND. That depends upon how the Army would be reduced. If you reduce the number of officers, then I would say that all the regular supplies would be diminished.

The CHAIRMAN. But if the reduction was only of soldiers, then it would not apply to so many items?

Adjutant-General TOWNSEND. Then the diminution would be small.

The CHAIRMAN. So that a reduction of officers would work a greater diminution of expenses than a reduction in the mere number of the men?

Adjutant-General TOWNSEND. Certainly.

The CHAIRMAN. I see in this Army appropriation act of last year an aggregate of \$1,300,000 for incidental expenses of the Quartermaster's Department; are there any items in that list which would be unaffected by a reduction of the Army?

Adjutant-General TOWNSEND. Probably the item in relation to deserters might be diminished; nothing else.

The CHAIRMAN. Would not the expenditures for the erection of barracks and quarters, store-houses and hospitals?

Adjutant-General TOWNSEND. I think not.

The CHAIRMAN. Would as expensive barracks be erected?

Adjutant-General TOWNSEND. The barracks and hospitals are now erected at posts where a considerable number of troops is kept. Take, for instance, Fort Leavenworth. The barracks and quarters there are used, in the winter, for troops which are concentrated and which go out to scout in the summer. It is the small posts which would be broken up, where there would be a saving of barracks and quarters, but they are, you may say, inexpensive. The soldiers themselves build these posts, taking the materials and timber near at hand. I believe that one fruitful source of desertion in the Army is the causing of our soldiers to labor in these new posts, which are built. They do not like to work in that way. They say they enlisted to do duty as soldiers and they will not work as laborers. That is, to my mind, one of the false economies of the service. We are obliged to use soldiers to do work, and we are obliged to pay for them in the way of desertion.

The CHAIRMAN. These other great items under the head of the Quartermaster's Department, for transportation of the Army, &c., would they be largely diminished if the Army was materially reduced?

Adjutant-General TOWNSEND. Yes, sir.

The CHAIRMAN. Would they be in proportion to the reduction of the Army?

Adjutant-General TOWNSEND. Yes, sir; that is to say, the first part of that item would be, but there are some parts that would not be reduced.

The CHAIRMAN. Are you familiar with those expenditures for hire of quarters for officers and troops, and so forth?

Adjutant-General TOWNSEND. To a certain extent I am. There is one thing in that item which the Secretary of War is forced to by law. There is an act of Congress which directs the President to detail twenty officers of the Army to colleges. When detailed to these colleges the officers are entirely beyond the reach of military orders, except that they can be relieved and returned to duty. It is entirely for the benefit of the civil institutions. These officers get their full pay and allowances of fuel and quarters for performing that duty, as professors in private colleges. The exception to the rule is where a retired officer can be detailed at his own request, and he gets nothing more than the proportion allowed to a retired officer as his pay. It seems to me that that is a luxury that can be dispensed with, and that if you give an officer a leave of absence to permit him to go to a college, the college will give him some remuneration from its own funds for his duties to that college especially; and the Government will not be paying for the private distribution of the information which officers of the Army can give to the country.

Mr. GUNCKEL. Suppose that was changed, what saving would there be effected by abolishing that feature of the law, and recalling those officers?

Adjutant-General TOWNSEND. I should think there would be a saving of \$1,000 a year for every officer so detailed. There are twenty allowed by law; but we take as many as we can from the retired list, in order to keep the officers on the active list with their companies.

Mr. THORNBURGH. Is there not an order forbidding any commutation of quarters for those officers?

Adjutant-General TOWNSEND. No, sir, the law allows it. The word "detail" gives it to them.

Mr. ALBRIGHT. If not detailed to that duty would they not have the same pay?

Adjutant-General TOWNSEND. If they had leave of absence, their pay, after thirty days, would be reduced one-half, and they would have no allowance for fuel and quarters.

The CHAIRMAN. Does the Government pay officers here in Washington for fuel and quarters?

Adjutant-General TOWNSEND. Yes, sir.

Mr. THORNBURGH. The officers who are living here in quarters which are the property of the Government are not paid commutation.

Adjutant-General TOWNSEND. No, sir; they have quarters furnished in kind.

The CHAIRMAN. How is it when officers have houses of their own?

Adjutant-General TOWNSEND. There are a certain number of rooms allowed by the regulations, and they get commutation for those rooms.

The CHAIRMAN. That rule is not transgressed at all?

Adjutant-General TOWNSEND. It cannot be. The house that I live in is not paid for by the rent which the Government allows me, and I do not live in an extravagant house either.

Mr. YOUNG. Are cavalry officers who are stationed here on staff duty

allowed commutation of forage for the number of horses which they are allowed to keep when in the field?

Adjutant-General TOWNSEND. Yes, if they are doing duty which requires them to be mounted.

Mr. YOUNG. Then they are not all allowed commutation for forage?

Adjutant-General TOWNSEND. Take, for instance, a cavalry recruiting-officer; he is not allowed forage for his horses, for that duty does not require him to be mounted. That is the rule, that when the duties of an officer may require him at any moment to be mounted, he is allowed forage in kind for his horses.

The CHAIRMAN. Do you know whether any reduction can be made in the amount of rent which is paid for offices—say for the head-quarters of military divisions and departments that are located in great cities? Is there not an extravagant amount of rent paid for them?

Adjutant-General TOWNSEND. The Secretary of War has addressed himself more particularly to that subject and is more familiar with it than I am.

I am under the impression, from remarks which General Sherman made yesterday in reference to the mode of building and repairing quarters and the selection of new posts, that the General did not give the committee the impression which he intended to. There are certain quartermasters and commissaries stationed at the head-quarters of every department; these officers receive estimates for repairs and supplies of all kinds from the posts, scan them carefully, submit them to the department commanders, who make their remarks on them and forward them through the regular channel to the head-quarters of the Army. After they have received the remarks which General Sherman wishes to make on them, they are referred to the heads of the proper departments, and then with their remarks they go to the Secretary of War. Thus the department commanders have full control over the estimates made for all expenditures in the staff-departments within their own military commands. I did not get the impression that that was the case from the statement which General Sherman made. These things pass through my hands, and I have thought it proper to correct any misapprehension that might be felt on the subject. The General, I think, intended to say that the expenditures for the Army at large were not under his control. For instance, there are depots of purchase at New York, Baltimore, and other cities, whence supplies are shipped beyond the limits of the military department where these cities are to other points. These depots of supplies are under the chiefs of the departments here, and are regulated by the Secretary of War. To that extent General Sherman has no control over the supplies, but this is the way to state that. The estimates being submitted to Congress by the Secretary of War, appropriations are made for the military service under certain heads. The Secretary of War causes the chiefs of bureaus to purchase or manufacture the supplies intended for the whole Army. On the estimates which come up from the department commanders through the General of the Army, the Secretary of War causes issues to be made from these depots. After they are made to the department commands they pass entirely under the control of the department commanders. That is the exact working of the system.

Mr. DONNAN. Then the requisitions of supplies from departments come through the General of the Army.

Adjutant-General TOWNSEND. Invariably. If they should happen to get out of that channel they would be referred to him for his remarks.

There is another point which I would like to suggest to the committee

as a matter of economy—to which all my remarks have been addressed at large. In the suspension of any works this principle ought to be borne in mind—

The CHAIRMAN. Works of fortification and defense?

Adjutant-General TOWNSEND. Works of any kind—any military operations. Certain implements have been purchased, perhaps at great expense, under appropriations made to carry on these works. Now, if they are entirely suspended or broken up, these implements will either be sold at considerable loss or else stored, with the risk of deterioration, and when the works are recommenced all these expenses have to be gone over again. I think it better in times of retrenchment not absolutely to discontinue works which should force such a result as that.

Mr. GUNCKEL. What do you mean by implements?

Adjutant-General TOWNSEND. For instance, an appropriation has been made for building a sea-wall in some harbor. Derricks and various machinery have to be got, to carry on that work. If that work is discontinued, the wall is broken off just where the appropriation ceased, and the derricks and all the machinery are put away and protected as well as possible; but they deteriorate for want of care or use. The wall crumbles and has to be rebuilt. When the work commences again these expenses have to be, in a great measure, gone through with again, so that a small appropriation which would enable the officer in charge to take proper care of those things, and to prevent them from deterioration, would be economy in the end.

Mr. ALBRIGHT. In regard to those companies of engineers I would like to hear your opinion on the subject of their services, and their usefulness to the country.

Adjutant-General TOWNSEND. There are six companies allowed to the battalion of engineers. One company has been broken up in conformity with the former reduction of the Army to 30,000 men, leaving the battalion with five companies. One company is stationed at West Point, where it assists in the instructing of the corps of cadets in engineering, in throwing up earth works, in the constructing of pontoons, and matters of that sort. They do their share of the guard-duty at the post at West Point, and they take care of all the implements, pontoon-bridges, &c., that are used in the instruction of the corps of cadets. The other four companies are stationed at Willet's Point. They have been engaged in the improvement and manufacture of pontoon-trains, and have been deeply engaged in experiments on torpedoes. These companies are composed of a much more intelligent class of men than the army at large. They have higher rates of pay, and they are sure of a station at a post, so they are willing to enlist in the engineer battalion, while they might not be willing to go into the field. In time of war these men go in squads, and under an engineer officer, with their pontoon trains. Ten or twelve of them, knowing exactly what to do, will instruct a company or two of raw volunteers in the laying of a pontoon bridge, so that the work is done in the field without delay. I conceive that that duty is of great importance. With regard to these not being subject to detail for other army services, the department commander has no control over them except on the military principle, that if there should be an attack upon a city within his department, or a sudden emergency, he would be culpable if he did not take everything within his reach to meet the emergency. But in their ordinary duties they report to the chief of the engineers, and through him to the Secretary of War, because that line of duty is a specialty, not at all connected with the Army at large. A department commander has nothing to do with the perfecting of the system of tor-

pedoes. It is better that all the experiments about these things should be kept profound secrets, for we do not want a foreign nation to know what we are doing in that line.

Mr. THORNBURGH. Has not the Navy a force on that same branch of service—torpedoes?

Adjutant-General TOWNSEND. I imagine that the naval torpedoes are of a different kind, and are adapted especially to shipping, while the engineers are for the defence of harbors and rivers.

Mr. YOUNG. Are these enlisted men of the engineers kept at stations and instructed by their officers all the time in mathematical studies, surveying, &c.?

Adjutant-General TOWNSEND. Yes, sir; and they are made competent to instruct large bodies of men in these things in time of war.

The CHAIRMAN. I call your attention to this item of the army appropriation act of last year—of half a million of dollars for purchasing and manufacturing clothing, camp and garrison equipage, &c.; would that item be affected or not affected by the reduction of the Army?

Adjutant-General TOWNSEND. It would be affected to the amount of clothing allowed to each soldier. As to the camp and garrison equipage, so many camp-kettles, so many tents, so many hatchets, &c., are allowed to a certain number of men, and as you reduce the number of men, there might be a very small diminution in that item. Just at this time the matter of clothing is behind, on account of the change of uniform.

Mr. GUNCKEL. Can you give the actual cost of officering a regiment for a year?

Adjutant-General TOWNSEND. These things are mixed up, and so dependent upon the services to be performed, that you cannot tell. If you cut off a regiment, some other regiment has got to do the duty of the one cut off. There is a constant demand, for instance, on the President, to furnish escorts for boundary commissioners, and treasury bullion, and for assistance in collecting internal revenues, and things of that sort. These demands have to be met in one way or another, and though you might cut off the actual pay, clothing, and subsistence of one regiment, you would have, in some way, to make up for that in the way of transportation-charges, and the hire of civilian guides, and such things, so that you cannot actually estimate the saving that would be effected in cutting off a regiment.

The CHAIRMAN. Are you prepared to say that all the soldiers and officers of the Army are busily engaged all the time?

Adjutant-General TOWNSEND. I would not like to say that, because that would be taxing human nature too much.

The CHAIRMAN. I mean within all reasonable time.

Adjutant-General TOWNSEND. I think so. I have looked carefully over the Army and I cannot see how we can spare any men. We have to give officers a little leave of absence sometimes, in order to save their health. There are a great many invalid officers now, broken down by long service in malarious countries. If we had the means of transportation to change regiments more frequently, we could save life and health by transferring from unhealthy to healthy localities.

The CHAIRMAN. Have not most of the regiments, in point of fact, been transferred within the last five years?

Adjutant-General TOWNSEND. No, sir. For instance, the First Infantry has been stationed on the lakes for about eight years, while other regiments have been in the South for the same length of time.

The CHAIRMAN. Have not quite a number of regiments been transferred from southern stations ?

Adjutant-General TOWNSEND. There have been four regiments of artillery and two of cavalry changed, for sanitary purposes, within the last three years, and these are all the changes I remember for the last eight years.

Mr. GUNCKEL. What would be the probable saving from the reduction of the Army by one regiment of infantry ?

Adjutant-General TOWNSEND. The element of calculation would be the pay of officers and soldiers, and the clothing of soldiers.

Mr. GUNCKEL. What would be your round estimate of the saving ?

Adjutant-General TOWNSEND. I would have to sit down and make the calculation, because the cavalry, artillery, and infantry are differently organized, and differently paid.

Mr. HUNTON. Suppose you supply the committee, to-morrow morning, with an estimate of the saving which would be effected by the cutting off of one regiment from each arm of the service.

Adjutant-General TOWNSEND. I will do so.

Mr. YOUNG. Those officers in command of engineer troops, how often are they changed ?

Adjutant-General TOWNSEND. They are transferred at the discretion of the Chief of Engineers, under the orders of the Secretary of War, and according to his views of the necessities of the case. They are not very often changed, because these officers, like the commanding officer at Willet's Point now, have made a specialty of that branch of the service. Major Abbott has been in command there, I believe, since that depot was established, and he is the officer who has made all the experiments in torpedoes.

Mr. YOUNG. Has the Engineer Department authority to employ engineers from civil life ?

Adjutant-General TOWNSEND. There are laborers, masons, mechanics, &c., employed in the construction of forts.

Mr. YOUNG. Those military engineers who are engaged in the survey of rivers and harbors, have they authority to employ civil engineers to aid them ?

Adjutant-General TOWNSEND. I do not think they have. They employ civilians in some capacities.

Mr. YOUNG. I know that they are employing them, and I want to know from what appropriation the pay of these civil engineers comes.

Adjutant-General TOWNSEND. That, of course, I am not familiar with, as it is under the Chief of Engineers. The Secretary of War regulates all those things himself. They are very carefully scanned by him, in consultation with the heads of departments. Everything of importance done by them is done under his orders and instruction.

Mr. ALBRIGHT. Since your communication to the committee last year with regard to the staff department of the Army, have you had any reason to change your opinion ?

Adjutant-General TOWNSEND. Not at all, sir. My opinion was based on the experience of thirty years, and is confirmed every day.

Mr. ALBRIGHT. Is it possible for you to affect a reduction in your own department with convenience to the service ?

Adjutant-General TOWNSEND. At this time I ought to have two more officers than I have. There are vacancies for more than that, but I ought to have, since the reduction of the military departments, two more officers. Their duties are done now by captains of the line.

Mr. ALBRIGHT. For the reason that there is too much work for the officers that you have?

Adjutant-General TOWNSEND. No, sir; there is one military department, that of Arizona, commanded by a brigadier-general who has no assistant adjutant general. There is a captain detailed on that duty in the Adjutant-General's Office to do the legitimate duties of that Office, because, without taking an officer away from a military department, there is none to do the duties. I have myself been doing the duties of assistant adjutant-general, as well as my own duties of Adjutant-General, for nearly a year, until the past month. The breaking up of the Department of the Lakes has enabled me to bring one of the assistant adjutant generals here to do it. The importance of this matter will be apparent to the committee, from the fact that I have to sign papers, sometimes as many as 1,500 a day—sometimes more—merely papers of reference, which an assistant adjutant-general could sign. That work takes me away from the consideration of more important matters, which I am obliged to attend to at home, when my mind is not as free and as clear as it ought to be, from this fatigue. The drudgery of signing papers unfits one for clear thought, as I find.

Mr. GUNCKEL. I find, in the Book of Estimates, an estimate of \$275,000 for mileage of officers of the Army when traveling without troops, under orders. That is the allowance, under the law, of ten cents a mile, is it not?

Adjutant-General TOWNSEND. Yes.

Mr. GUNCKEL. Why should it not be the actual traveling expenses of the officer?

Adjutant-General TOWNSEND. It is more easily ascertained in this way. This is about the average between the actual expense of traveling on one route and on another. An allowance of a mileage cuts off all sorts of attempts at abuse. If an officer gets his actual expense of transportation, he wants to charge for the portorage of his trunks and other matters of that kind. But if he gets his ten cents a mile, he has to pay the contingent expenses himself.

Mr. GUNCKEL. His pay runs on during the period of his traveling?

Adjutant-General TOWNSEND. His pay runs on, of course, if he is traveling under orders. But our officers are sometimes obliged to ask indulgences, from the sheer necessity growing out of the reduction of their pay when on leave of absence. As the law now stands, each officer is allowed leave of absence for thirty days in the year without reduction of pay; and, although he may have had no leave of absence for six, eight, or ten years, he can have only his thirty days in any year without reduction of pay. An officer stationed at a remote point has to save up his pay as well as he can, that he may go on leave of absence. He may be nearly a month going home, and then he only gets half-pay. He has no allowance whatever beyond his half pay or any way to get back to his post, and is sometimes forced to ask to be put on duty of a temporary nature in order that he may travel under mileage. When these applications are made to me, I often do make them a matter of economy in this way. I order the officer to report at a depot for recruits about the time that I am going to send a detachment of recruits out in the region of his regiment. He will then get his actual transportation with the recruits, while I save to the Government the mileage of the officer from that point back to his post.

Mr. GUNCKEL. Was not the allowance of ten cents a mile established when the expense of traveling was very much greater than it is now?

Adjutant-General TOWNSEND. No, sir; it was established within a

short time. That rate was re-affirmed in the last bill passed fixing the pay of officers of the Army.

Mr. GUNCKEL. Would not five cents a mile as an average cover the actual expenses of traveling?

Adjutant-General TOWNSEND. No, sir; it would not. My impression is that that allowance is the best and most economical in the end, because it cuts off from officers all inducements to try to bring in extra charges for a thousand things, which would be allowed perhaps from the evidence of the necessity of the case. An officer traveling a long distance, say from California, is put to very serious expense as well as inconvenience. He has to go as soon as possible in order to be within his time, and in order to get his expenses. If he had only five cents a mile, he would contrive some other way to get the allowance. I do not think the officers of the Army are paid in excess of their absolute wants.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1874.

DEAR SIR: In compliance with your request of the 7th instant, I inclose a manuscript tabular statement of the clerks employed in this office, and a printed statement in detail of the kind of work performed. This last statement, though prepared a year ago, applies exactly to the present time, so far as the character and amount of work is concerned.

I am, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Hon. JOHN CORBURN,
Chairman Military Committee, House of Representatives.

REPORT.

Present organization of force employed in the Adjutant-General's Office, War Department.

During the war the total number of *regular clerkships* allowed was 170. Appropriation act approved July 20, 1862, (vol. 15, chap. 176, page 102,) reduced the number to 79. Appropriation act approved March 3, 1869, (vol. 15, chap. 121, page 294,) reduced the number to present force—65 clerkships, 2 messengers—classified as follows:

No.	Capacity.	Annual salary of each.	Date of acts or resolutions providing for the expenditure.	References to Statutes at Large. (Little, Brown & Co.'s edition.)		
				Vol.	Page.	Sec.
1	Chief clerk	\$2,000..	March 3, 1871	10	491	...
2	Clerks class four..	1,800 {	One by March 3, 1853	10	210	3
			One by March 14, 1864	13	27	6
9	Clerks class three..	1,600 {	One by { March 3, 1853	10	210	3
			{ April 22, 1854	10	276	1
			Eight by March 14, 1864	13	27	6
			Five by March 3, 1853	10	210	3
27	Clerks class two ..	1,400 {	Four by April 22, 1854	10	276	1
			Eight by February 23, 1863	12	695	2
			Ten by March 14, 1864	13	27	6
			Two by { March 3, 1853	10	210	3
26	Clerks class one ..	1,200 {	{ April 22, 1854	10	276	1
			Eighteen by January 27, 1862	12	333	1
			Six by July 5, 1862	12	509	5
2	Messengers	840 {	March 3, 1869	15	287	1
			July 12, 1870	15	291	1
			.....	.....	247	1

PROVOST-MARSHAL AND VOLUNTEER BRANCH.

Pursuant to section 33, act of July 28, 1866, (vol. 14, chap. 299, page 337,) the Provost-Marshal-General's Bureau was discontinued August 28, 1866. All unfinished business, accounts, and claims, together with records, funds, and property, were turned over to the Adjutant-General of the Army, who was authorized to retain such officers and clerks of the Bureau as were necessary. To carry out the act creating the office of Provost-Marshal-General, and describing his duties, approved March 3, 1863, (vol. 12, chap. 75, page 731,) such number of clerks and messengers as were necessary, assimilated in classification to those of the Adjutant-General's Office, were authorized by the Secretary of War. On the transfer of the business of the Bureau to the Adjutant-General, all its unfinished business was combined with the unfinished business incident to the collecting, drilling, and organizing of volunteers, including all the organizations of colored troops, questions arising from condition of slavery, upon bounty-claims, &c.

By act of May 8, 1872, (vol. 17, chap. 140, page 79,) 46 clerks, 1 fireman, and 1 messenger were specifically allowed to this branch, classified as follows:

No.	Capacity.	Annual salary of each.	Date of act or resolutions providing for the expenditure.	References to Statutes at Large, (Little, Brown & Co's edition.)		
				Volume.	Page.	Section.
4	Clerks class four	\$1,800	May 8, 1872	17	79	1
3	Clerks class three	1,600	May 8, 1872	17	79	1
27	Clerks class two	1,400	May 8, 1872	17	79	1
19	Clerks class one	1,200	May 8, 1872	17	79	1
1	Fireman	720	May 8, 1872	17	79	1
1	Messenger	360	May 8, 1872	17	79	1

PRISONERS OF WAR BRANCH.

During the war the business connected with the custody and exchange of prisoners of war was so extensive as to require the special attention of an officer designated as the "commissary-general of prisoners." The unfinished business of this office (consisting of auditing and preparing claims for commutation of rations to prisoners of war; repayment of moneys taken from men while prisoners; reporting on applications for removal of desertion on the ground of being prisoners; search for missing men, &c.,) was transferred to the Adjutant-General of the Army August 24, 1867. There are now 24 temporary clerks, employed by special authority of the Secretary of War, on this work, who are paid by the Quartermaster's Department from the appropriation for incidental expenses of that Department, (vol. 17, chap. 316, page 259.) They are classified as follows:

No.	Capacity.	Annual salary.	Date of act.	Reference to Statutes at Large.		
				Vol.	Page.	Sec.
1	Clerk class three	\$1,600	June 6, 1872	17	259	1
4	Clerks class two	1,400	June 6, 1872	17	259	1
19	Clerks class one	1,200	June 6, 1872	17	259	1

FREEDMEN'S BRANCH.

Under the act of June 10, 1872, (Forty-second Congress, second session, page 366,) the Bureau of Refugees, Freedmen and Abandoned Lands was discontinued June 30, 1872, and the Adjutant-General was charged with the settlement of certain accounts and claims relating thereto. The act provided for the employment of necessary agents, clerks, and others, to be paid for out of the appropriation made for the settlement of the claims alluded to. Twenty-three clerks, 2 messengers, 1 fireman, and 7 janitors are employed upon this work in the office at Washington and in those of the disbursing officers in six other cities. The clerks have not been classified, and the number of the employés is liable to be increased or diminished, according to the necessities of the service required. These employés are not included in the force of the Adjutant-General's Office, being dependent on the yearly appropriations made to accomplish the purpose which is specified in the act above cited.

ENLISTED MEN.

By acts approved July 27, 1861, (vol. 12, chap. 22, page 277 ;) act of January 27, 1862, (vol. 12, chap. 12, sec. 1, page 333 ;) act of July 5, 1862, (chap. 83, sec. 5, page 509,) the Adjutant-General is authorized to detail 30 non-commissioned officers from the Army as clerks.

Immense and rapid increase of business in that office at various stages of the war made a large increase of clerical force absolutely necessary for anything like prompt dispatch of the most pressing business. Under sanction of the Secretary of War, details were made from the Army to meet this necessity. The men detailed were almost invariably disabled by wounds, or of too delicate constitution for active service in the field. They were distributed through the various branches as required. The number of these enlisted clerks has always been carefully reduced whenever their services could be dispensed with. After the war, August 1, 1865, the number employed as clerks was 362, as messengers 80, as watchmen 6.

The number employed now is, clerks, 137 ; messengers, 44 ; watchmen, 22.

Owing to the deficiency which, from casualties, must necessarily from time to time exist in the legal company organizations of the Army, these detailed men do not carry the Army organization above its legal standard of 30,000. Their compensation is made up of the following items :

1. Pay of an enlisted man of the Army, paid by the Pay Department from annual appropriation for the pay of the Army.

2. Extra-duty pay of 20 or 35 cents per diem, from annual appropriation of incidental expenses of the Quartermaster's Department, under the head of "extra pay to soldiers employed as clerks," &c.

3. Commutation of quarters paid by Quartermaster's Department from appropriation for barracks and quarters.

4. Commutation of fuel from appropriation for regular supplies for the Quartermaster's Department. (See Statutes, 1871 and 1872, page 259.)

5. Commutation of rations from the appropriation for Army subsistence.

Three circumstances have conspired to keep up the number of enlisted clerks to so high a figure :

1. The muster-rolls of the Regular and Volunteer Army have become so much mutilated by constant reference, opening, and folding them to procure information for settlement of great numbers of claims for pensions, back-pay, bounty, &c., as to make the danger imminent of losing the record from them entirely. To obviate this the Secretary of War approved the Adjutant-General's recommendation to employ twenty-two enlisted clerks in copying each muster-roll in books made for the purpose. The rolls thus copied are of much easier reference, and, in case of supposed error, the original rolls remain to decide the question.

2. A large brick warehouse is filled with records collected from posts, corps, regiments, &c., after disbandment. ("Discontinued commands.") These records were received in boxes, and required to be assorted and indexed, that their presence and import may be known. They are of great value ; sometimes defeating fraudulent claims against the Government to the amount of thousands of dollars. Fifteen enlisted men are employed in this work.

3. The act approved February 14, 1871, granting pensions to soldiers of the war of 1812, required the services of nineteen clerks to prepare the old records relating to that subject, which had long been unused, for ready reference.

With regard to the apparently large number of enlisted men employed as messengers and watchmen, it is due mainly to the fact that the 104 rooms occupied by the Adjutant-General are distributed in twelve buildings. All these, except the War Department building, Winder's building, and a brick warehouse 40 by 80 feet, containing four floors, are tenement-houses in the neighborhood, wholly inappropriate for the purpose, requiring constant vigilance to guard against fire and pillage, and prevent irreparable loss of records representing millions of dollars. The use of messengers saves the more valuable time of clerks, and payment of rates higher than those usual among laborers tends to secure honest and faithful service.

The following table shows the classification of the enlisted men :

No.	Rank.	Occupation.	Rate of pay and allowances per annum.
30	Sergeants	Clerks	\$1, 057
107	Privates	do	1, 000
44	do	Messengers	894
22	do	Watchmen	894

903 Total in Adjutant-General's Office.

In view of the manifest injustice worked by the difference in compensation between the enlisted and civilian clerks—all performing the very same kind of duty—the following re-organization of the clerks of the Adjutant-General's Office is recommended :

1 chief clerk	\$2,200
15 clerks class five	2,000
20 clerks class four	1,800
60 clerks class three	1,600
66 clerks class two	1,400
110 clerks class one	1,200
12 messengers	840
Total clerks, 272.	

Provided, That clerks now employed in the Adjutant-General's Office, who have given satisfactory proof of fitness, shall be appointed to the clerkships above specified; and that after the first arrangement of such appointments the rules of the civil service shall be applicable to the said clerkships: *And provided further*, That the Secretary of War shall reduce the number of said clerkships whenever, in his judgment, it can be done without injury to the public service.

The following exhibits show the number of buildings and rooms occupied for the work of the Adjutant-General's Office; the total number of clerks and employes engaged, and the record of work done from January 1 to December 31, 1872. But an indistinct idea can be formed from these figures of the labor actually performed, because very much is done in the giving of information verbally, in investigations, &c., which cannot be expressed by figures :

Number of buildings	12
rooms	104
clerks	272
messengers, &c.	70

Summary of work done in the office of the Adjutant-General, United States Army, from January 1 to December 31, 1872.

Number of letters received, briefed, and recorded	336,541
letters sent, recorded in letter-books	110,590
indorsements made and recorded	63,955
analytical briefs made	10,183
Special Orders issued	350
thirty-four paragraphs of each	11,900
copies and extracts made	12,295
address written in distribution	96,600
number of names and subjects indexed	11,926
fifteen volumes, from 1861 to 1871, indexed, revised, and entered in permanent records. (Number of names.)	12,880
General Orders issued	111
General Court-Martial Orders issued	46
five thousand five hundred copies of each of the above distributed	863,500
General Orders from military divisions and departments received, noted, and filed	830
Special Orders from Military Divisions and Departments received, noted, and filed	2,660
number of copies, extracts, &c., made	2,446
number of office notations, entries, &c.	15,587
Circulars issued and distributed	17,055

RECRUITING.

Accounts and vouchers of recruiting-officers examined and acted upon	18,905
Enlistment papers received and filed	12,391
Tri-monthly reports examined, recorded, indexed, and filed	2,010
Contracts examined and recorded	150
Certificates of disability of rejected recruits recorded and acted on	141
Weekly consolidated statement of recruiting funds sent United States Treasurer	48
Mustor-rolls of recruits, recruiting and property returns received, examined, recorded, and acted upon	1,284
Entries in station-book of officers	380
Tri-monthly statements of the organization of the Army	36

Tri-monthly statements of the enlistments in the Army.....	36
Certificates of discharge furnished.....	798
Number of copies of official papers furnished for information of the various branches of the Government in settlement of claims, removing disabilities, &c.....	6,283
Number of cases where the records have been examined for information required by the Paymaster-General, the Auditors of the Treasury Department, Pension-Office, Surgeon-General, <i>et al</i>	80,482
Number of special inquiries answered.....	52,559
Number of post and regimental returns registered, examined, and filed.....	4,462
Number of muster-in, recruiting, and muster-out rolls entered in register.....	4,915
Number of names of commissioned officers and enlisted men entered in register.....	115,333
Number of office-musters made.....	557
Number of military histories of officers furnished.....	67
Number of miscellaneous cases received and acted upon pertaining to the general record of an enlisted man, from his enlistment to death or discharge....	139,675
Number of claims of various descriptions received, examined, and acted upon.....	29,003
Number of miscellaneous communications not enumerated above, such as bounty-certificates, vouchers, memoranda, between this office and the different reviewing offices of the Treasury Department.....	150,000
Amount disbursed in collecting, drilling, and organizing volunteer branch.....	\$414,729 58
Number of letters of promotion and appointment to commissioned officers.....	175
Number of nominations of commissioned officers.....	330
Number of parchment commissions made and sent.....	314
Number of letters of appointment of post-traders, hospital-stewards, and superintendents of national cemeteries.....	328
Army Register for 1873 prepared, and 2,000 copies distributed.....	1 of 217 pages.
Four General Orders announcing promotions.....	28 pages.

RECORDS OF WAR 1812-'14.

Number of names copied.....	523,039
Number of cases acted on for pension.....	1,749
Miscellaneous work, assorting, &c.....	870,440
Number of official letters franked by chief clerk.....	70,814

ADJUTANT-GENERAL'S OFFICE, January 16, 1873.

EXHIBIT.

Estimated yearly cost of one regiment of each arm of the service, showing what would be saved by abolishing the same.

Name of service.	Expenditures by each of the several staff departments.					Total cost of each regiment.
	Quartermaster's.	Subsistence.	Medical.	Pay.	Ordnance.	
Cavalry.....	\$473,500 00	\$81,843 90	\$5,399 36	\$243,992 00	\$36,468 00	\$842,203 26
Artillery.....	187,000 00	61,028 00	4,944 96	217,560 00	19,719 50	490,252 46
Infantry.....	180,270 00	48,581 50	3,878 40	158,120 00	6,292 00	397,141 90
Total cost to each staff department.....	840,770 00	191,453 40	15,222 72	619,672 00	62,479 50	
Aggregate cost of the three regiments.....						1,739,597 62

REMARKS.

The present organization of the different arms of the service is as follows :

	Officers.	Enlisted men.
Cavalry.....	43	1,013
Artillery.....	56	760
Infantry.....	35	605

The Ninth and Tenth Regiments of Cavalry and the Twenty-fourth and Twenty-fifth Regiments of Infantry have each one more officer (a regimental chaplain) than the other regiments.

Each regiment of cavalry and artillery has 12 companies. Each regiment of infantry has 10 companies.

Quartermaster's Department.—The expenses as follows, viz: "Hire of civilians, transportation of miscellaneous articles, apprehension of deserters, and other incidental expenses, are not included in the figures given in the first column.

Subsistence Department.—It costs the Government at present 22 cents per day for subsistence of one man.

Medical Department.—The amount which would be saved by the discharge of a regiment would be somewhat less than the amount stated, (see third column,) provided that the number of posts be reduced to correspond. If the number of posts be not so reduced, the saving would be much diminished.

Pay Department.—The average amount paid to each regiment in the service for clothing not drawn during the fiscal year, is \$9,720.61.

Ordnance Department.—The amount pertaining to artillery in the fifth column is in accordance with the present organization of an artillery regiment, i. e., eleven foot-companies and a battery. Were a regiment of artillery armed altogether as infantry, the cost of the same would be \$7,900.00.

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT,
Adjutant General's Office, Washington, January 9, 1874.

Statement showing the number of civil employés in the office of the Adjutant-General, with the several occupations in which they are engaged, and their total monthly pay.

No.	Capacity.	Class.	Total monthly pay.	Monthly pay of each.	Remarks.
1	Clerk	Chief.	\$166 66½	\$166 66½	Regular clerk.
6	Clerks	Four..	900 00	150 00	Regular clerks.
12	do	Three..	1,600 00	133 33½	Do.
54	do	Two..	6,300 00	116 66½	Do.
40	do	One...	4,000 00	100 00	Do.
2	Messengers		140 00	70 00	
1	Assistant messenger		60 00	60 00	
1	Fireman		60 00	60 00	
	Total		13,226 66½		
3	Clerks	Three..	400 00	133 33½	Temporary clerk.
9	do	Two..	1,050 00	116 66½	Temporary clerks.
12	do	One...	1,200 00	100 00	Do.
	Total		2,650 00		

ADJUTANT GENERAL'S OFFICE,
Washington, January 8, 1864.

Statement showing the number of enlisted men employed upon extra duty in the office of the Adjutant-General, with the several occupations in which they are employed, and their total monthly pay.

No.	Rank.	Capacity.	Total monthly pay.	Monthly pay of each.
30	Sergeants	Clerks	\$2,790 00	\$93 00
136	Privates	do	12,104 00	89 00
70	do	Messengers and watchmen	5,430 00	79 00
	Total		20,324 00	

ADJUTANT-GENERAL'S OFFICE,
Washington, January 8, 1874.

List of casualties which have occurred in the staff of the Army during the past year.

BUREAU OF MILITARY JUSTICE.

Major De Witt Clinton, judge advocate, died August 14, 1873. (This vacancy has been filled, this Bureau not being included in the prohibition.)

MEDICAL DEPARTMENT.

Surg. Madison Mills, died April 28, 1873.
 Asst. Surg. Morris J. Asch, resigned March 31, 1873.
 Asst. Surg. Charles K. Winne, resigned October 15, 1873.
 Asst. Surg. Thomas McMillin, died April 6, 1873.
 Asst. Surg. Charles Mackin, jr., resigned April 29, 1873.

PAY DEPARTMENT.

Lieut. Col. Carry H. Fry, Deputy Paymaster-General, died March 5, 1873.
 Maj. Robert A. Kinzie, paymaster, died December 13, 1873.
 Maj. David Taggart, paymaster, resigned September 11, 1873.
 Maj. Edward Wright, paymaster, resigned October 1, 1873.
 Maj. George P. Ihrie, paymaster, resigned July 1, 1873.
 Maj. John S. Walker, paymaster, lost at sea, January 27, 1873.
 Robert Morrow, paymaster, died November 27, 1873.

CORPS OF ENGINEERS.

First Lieut. Eugene A. Woodruff, died September 30, 1873.
 Second Lieut. Edward S. Holden, resigned March 28, 1873.

ORDNANCE DEPARTMENT.

Maj. Horace Porter, resigned December 31, 1873.
 First Lieut. William S. Beebe, resigned January 1, 1874.
 First Lieut. Isaac W. Maclay, resigned November 15, 1873.
 Second Lieut. William P. Butler, resigned July 12, 1873.

RESUME.

Corps.	Resigned and retired.	Died.	Total
Bureau of Military Justice		1	1
Medical Department.....	3	2	5
Pay Department.....	3	4	7
Corps of Engineers.....	1	1	2
Ordnance Department	4	.....	4
Aggregate.....	11	8	19

E. D. TOWNSEND,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *January 2, 1874.*

WASHINGTON, D. C., *Friday, January 9, 1874.*

Gen. W. W. BELKNAP, Secretary of War, appeared before the committee in response to its invitation.

The CHAIRMAN. The proposition before the committee is one looking to the reduction of the numbers of the Army. Will you state your opinion, in brief, as well as the facts on which it is based, going to show whether or not the Army can be or ought to be reduced with advantage at the present time.

Secretary BELKNAP. In my opinion, it would not be advisable to reduce the Army at the present time. The Army now consists of ten regiments of cavalry, five of artillery, and twenty-five of infantry, two regiments of the cavalry and two of the infantry being colored. They are distributed at the various posts throughout the country in as limited numbers as the great number of posts and the small number of troops in the service compel them to be. During the last spring, in company with the Lieutenant-General of the Army, I visited personally and made an inspection of a large number of posts on the Texas frontier. After entering Texas, starting at San Antonio, I went west to Fort Clark; thence to Fort Duncan, known as Eagle Pass, on the Rio Grande; thence to Fort Mackintosh; thence to Ringgold Barracks; thence to Fort Brown; thence to the mouth of the river, and over to New Orleans. The garrisons there are not large, but the complaints of the settlers in Texas were very numerous relative to the depredations of the Indians, both the Texas Indians and also at that time Indians from the bands which were located in Mexico. The garrisons are small, and I am satisfied, from what I saw, that the withdrawal of troops in those parts would not only result in the virtual abandonment and destruction of a large and valuable amount of property, (I mean buildings, &c., that have accumulated there,) but would also endanger the safety and security of the people of that part of the country.

As to other localities on the frontier I cannot give answer from my personal knowledge or my personal visits to them, for the reason that that is the only portion of the frontier which I have visited. But from my general knowledge of Indian troubles constantly arising, and of the applications which are made from time to time by the Indian Department to the War Department, I am satisfied that at present, as far as the west frontier is concerned, and especially where Indians are located, it would not be advisable to reduce the force stationed in those portions of the country.

The CHAIRMAN. Taking a general view of the Texan frontier, from the Indian Territory to the Rio Grande, could you with safety reduce the force at any point?

Secretary BELKNAP. I do not think it could be done with safety. There is a large force at Fort Richardson, and it has been proposed to change that post and locate the men elsewhere. But that is a large post simply for the reason that scouts are sent from that post through the country when Indian depredations are feared. The garrisons of the other posts are small.

The CHAIRMAN. Fort Sill is quite an important post, is it not?

Secretary BELKNAP. Fort Sill is understood to be an important post.

The CHAIRMAN. Is not Fort Sill rather inside the Indian country than on the frontier?

Secretary BELKNAP. That is my understanding of it.

The CHAIRMAN. If the troops there were moved down to the frontier, could not the other be dispensed with?

Secretary BELKNAP. I am satisfied that a better post than Fort Richardson can be obtained, and probably if another post were established it might be better than Fort Sill, but the establishment of new posts is a very expensive operation; so expensive that Congress, by an act passed a year or two ago, prohibited the building of new posts that would amount in expense to more than \$20,000. The amount at first was limited to \$10,000, but at my earnest solicitation, and that of others in the Department, the amount was increased to \$20,000, which is but a drop in the bucket in the cost of establishing a new post.

Taking the other posts in the whole region west of the Missouri River, I have looked over the list as carefully as I could since I was here the other day, and I am at a loss to see, with my knowledge, (which, of course, is simply obtained from the investigation of the reports, and not from personal examination,) how the force can well be reduced. As far as the location of troops is concerned, I have great confidence in the opinion of the General of the Army and in the Lieutenant-General, General Sheridan, who commands the Military Division of the Missouri. I consider General Sheridan a very painstaking and economical officer.

The CHAIRMAN. Is there any apprehension of danger from Indian hostilities in New Mexico?

Secretary BELKNAP. None that I am aware of at present.

The CHAIRMAN. What is the condition of Indian affairs in Arizona?

Secretary BELKNAP. By the able management of General Crook, who was put in command there about two years ago, the Apaches have been to a great extent subdued and taught to behave themselves.

The CHAIRMAN. Have you any estimate as to the number of Apache warriors that are there now?

Secretary BELKNAP. The committee is aware that Indian matters are under the control of the Indian Department. I personally have no knowledge of Indian matters, nor can I have excepting from the communications made to me, from time to time, in connection with them, by the Secretary of the Interior, and also from the reports of military commanders. There is occasionally some little clashing between the several officers of the Indian Department, agents and others, and the officers of the War Department. But as the Secretary of War has no control over Indian matters, except from time to time to punish the Indians when we are called upon to do so, I admit that I am not as familiar with Indian matters as I would be if they were under the control of the War Department.

The CHAIRMAN. Is there any serious apprehension of Indian difficulties in California or any region west of the Sierra Nevada Mountains?

Secretary BELKNAP. None that I am aware of.

The CHAIRMAN. The reports from your officers would indicate to you any serious trouble?

Secretary BELKNAP. Yes. My candid opinion is that if the Indian question were disposed of, as it will be in a few years, the Army then could be materially reduced. But I hardly think the time has come for that.

Mr. GUNCKEL. How do you think that the Indian question is going to be disposed of in a few years?

Secretary BELKNAP. I think that time, and the settlement of the country, and building of railroads will have a good deal to do with that question. The building of the Pacific Railroad has had a good deal to do with it.

The CHAIRMAN. Going farther over, to the east of Washington Territory and Oregon, is the great Sioux Nation; have you sufficient data to say what number of troops would be necessary to guard the frontier of the Sioux Nation?

Secretary BELKNAP. I have not them with me now.

The CHAIRMAN. Do you think that a large force could be posted in one neighborhood and withdrawn from others, which would better secure the peace of the settlers than by having the troops distributed, as they are now, through the Southern States and through California and Oregon? I mean whether or not the military force could not be concentrated in the neighborhood of the Sioux Nation, and also in the neigh-

borhood of these Kiowas and Comanches, and removed from other places; or whether it is necessary to keep the Army scattered along the lake frontier to the northern frontier and the Pacific coast to the Southern States.

Secretary BELKNAP. Of course a large force in a region where hostility may be apprehended would be more useful, but it is a question, I think, whether other posts which are now occupied by troops can be abandoned. Many of those posts have public property, buildings, &c., which need protection, and at many of them the force is small.

The CHAIRMAN. In your judgment, is the force that is posted in the neighborhood of these dangerous Indians sufficient at present?

Secretary BELKNAP. It is sufficient unless there should be an outbreak.

The CHAIRMAN. You think that it is sufficient for all ordinary purposes?

Secretary BELKNAP. That is my judgment, unless an outbreak should occur. Of course that contingency would have to be provided for.

The CHAIRMAN. Do you think there is any military necessity for keeping troops stationed in the northern part of Minnesota, say from Lake Superior across to the Missouri River, and along the Northern Pacific Railroad east of the Missouri River?

Secretary BELKNAP. There is no immediate military necessity. Posts have been established there from time to time.

The CHAIRMAN. Are those fortifications out there of sufficient value that they should be guarded and preserved like these eastern forts?

Secretary BELKNAP. They are not so valuable, but I suppose it would be necessary to keep a small force on that frontier. It is not a very large one.

The CHAIRMAN. What is the military necessity of keeping troops stationed along the line of the lakes?

Secretary BELKNAP. There is no immediate military necessity for it at the present moment. The First Infantry is stationed on the northern lakes, stretched out, a few troops at one point and a few troops at another, like Fort Wayne, for instance, near Detroit. If that regiment were withdrawn, and a few men left there to take care of the public property, no great damage would ensue, of course, at present.

Mr. HAWLEY, of Connecticut. There are certain uses for a force along that frontier. If you take the troops away is it not possible that some little Fenian raid or some little riot with custom-house officers might occur?

Secretary BELKNAP. If anything of that sort should occur troops would have to be sent there, should the present force be removed.

Mr. HAWLEY, of Connecticut. Should there not properly be a police force on the boundary between two nations?

Secretary BELKNAP. Yes; there should be a small force on the boundary, and there is a very small force there now. It is the line between this country and the possessions of Great Britain.

The CHAIRMAN. What, if any, is the military necessity of keeping troops in the South—in any part of the States recently in rebellion?

Secretary BELKNAP. Troops have been gradually withdrawn from the South, and I am very much in favor of withdrawing the remaining portion as rapidly as possible. In my judgment there is no great necessity for keeping the troops stationed there much longer. It is possible that in some localities their retention may be necessary for a while in the opinion of some gentlemen who reside in that part of the country, and who occasionally remonstrate against their removal; but my candid

opinion is that it is quite time to withdraw the troops from there, and they can be made use of elsewhere.

Mr. GUNCKEL. How many troops are there in the South, and how many outside of Louisiana?

Secretary BELKNAP. There are altogether in the Military Division of the South (which does not include Texas) 255 officers and 2,981 enlisted men, of which number 39 officers and 540 enlisted men are stationed in Louisiana.

The CHAIRMAN. If the Army is to be reduced, state whether or not you would reduce the number of organizations or merely the number of men.

Secretary BELKNAP. If I were going into a reduction of the Army, if I thought that that would be proper, I would reduce the number of officers as well as the number of men.

Mr. HUNTON. Are not the companies as small now as they can properly be?

Secretary BELKNAP. They are very small, but the number of men can be reduced by consolidating some regiments, and that would necessarily involve the mustering out of some officers.

Mr. HUNTON. Have you seen General Sherman's testimony?

Secretary BELKNAP. No, sir; I was here the first day and heard his description of the location of the troops. He went into that very fully and clearly, and, from his familiarity with the disposition of the troops, more clearly than I or any one else could have done.

Mr. THORNBURGH. If a reduction of the Army be determined upon can the Government better spare artillery, cavalry, infantry, or staff? Which branch of the service can be done without more easily?

Secretary BELKNAP. I think the cavalry can be spared the least. There are twenty-five regiments of infantry, and there might be a consolidation made. There are five regiments of artillery; there might be a consolidation made there; but, in my judgment, if it comes to the point of a reduction of the Army, it ought to be a reduction of officers as well as of men.

Mr. THORNBURGH. If we make fewer regiments in the different branches of the service, what branch can stand the reduction best?

Secretary BELKNAP. I think that the infantry and artillery can stand a reduction better than the cavalry.

Mr. THORNBURGH. The necessities of the Government require the cavalry, and you think that the artillery and the infantry can be better spared than the cavalry?

Secretary BELKNAP. Yes, sir.

Mr. DONNAN. Is it advisable, or the contrary, to consolidate any regiments, either of artillery, or cavalry, or infantry?

Secretary BELKNAP. I have said that I do not think it advisable to reduce any.

The CHAIRMAN. State whether or not you have formed an opinion in relation to the disposal and control of Indian affairs; if so, do you think, or do you not think, that the Indian affairs can be controlled better by the War Department than the Indian Department? and give your reasons.

Secretary BELKNAP. That is an embarrassing question for me to answer.

The CHAIRMAN. If you have made up your mind about it, and feel free to answer the question, I wish you would do so.

Secretary BELKNAP. Without calling in question the management of the Indians by the Department which at present has charge of them,

my opinion has been for some time that the results, perhaps, would be more beneficial if the War Department had control of them.

The CHAIRMAN. Could that be done without an increase of the Army?

Secretary BELKNAP. I think so. I do not covet any such duty, so far as I am concerned, but that is my judgment. Of course I answer that question with a little embarrassment.

Mr. HAWLEY, of Connecticut. Do you think that there could be greater economy in the management of the Indian question through the Army?

Secretary BELKNAP. That is a hard question for me to answer, for I am not familiar enough with the expenses of the Indian Department.

Mr. HAWLEY, of Connecticut. Do you think that the treaties with the Indians would be more faithfully carried out on behalf of the Government, and supplies more certainly and honestly delivered to the Indians, through the War Department?

Secretary BELKNAP. I think that the supplies could be as honestly delivered through the War Department, and through the officers connected with it, as by any organization to which the duty could be assigned.

Mr. HAWLEY, of Connecticut. Food in large and increasing quantities has to be delivered to the Indians. Has not the Government already, through the Commissary and Quartermaster's Departments of the Army, the best machinery that we have ever been able to devise for purchasing and delivering food?

Secretary BELKNAP. That is so in my judgment, and the Commissary Department has over and over again been obliged to furnish supplies for the Indians.

Mr. HAWLEY, of Connecticut. But it is not done habitually?

Secretary BELKNAP. No, sir; occasionally, in a region where the Indian Department has no facilities, the Commissary-General is directed to assist the Indian Department.

Mr. HAWLEY, of Connecticut. Do you ever have reports from officers, whose duties bring them in constant watch of the Indians, of dishonesty in the performance of contracts?

Secretary BELKNAP. Such reports have been made to the War Department.

Mr. HAWLEY, of Connecticut. Do your officers consider it a part of their duty to watch such things and to report them, or does it only come in incidentally?

Secretary BELKNAP. It only comes in incidentally. The Interior Department having charge of the Indians—it is useless for me to disguise the fact—many Army officers hesitate about questioning the conduct of the Indian agents or their management of affairs.

Mr. HAWLEY, of Connecticut. There seems to be some misapprehension as to the control which line-officers have over the staff, particularly in the expenditures of the Quartermaster's Department. Please explain to the committee how expenditures are required and ordered for distant barracks, forts, &c.

Secretary BELKNAP. I am very glad to have an opportunity to answer that question. When a post commander makes a recommendation for the building of quarters or for the repair of quarters, that application comes up through the different headquarters, beginning with the post headquarters, to the department commander. I scarcely know of an instance since I have been Secretary of War, that the department commander and the division commander have not each had an opportunity to say what he desires to say relative to the improvement or building sug-

gested. Two years ago I had made up for the appropriation committee of the House, on my own motion, without suggestion from that committee, a statement extending from July, 1870, to December, 1871, of buildings, repairs, improving of barracks and quarters; showing the date, the post, the estimated cost, by whom recommended, and the amount recommended, and the amount granted by the Secretary of War. I did this to show the amount recommended by the division and department commanders, and the great reduction which had been made by the Secretary of War. An examination of this list [handing it to the committee] will show that in nearly every one of these instances the department and the division commander made the recommendation. The amount asked for within these eighteen months was \$2,000,000 in round numbers. The amount allowed by the Secretary of War, in round numbers, was \$1,000,000, a saving of \$1,000,000. Further, in relation to this matter, I have brought with me specimen papers, taken at random, and which I have not looked into, which will show the manner in which these recommendations were made. [Exhibiting and explaining them to the committee.]

Mr. ALBRIGHT. Do these reports and recommendations of the division and department commanders come to the General of the Army and then to you?

Secretary BELKNAP. Yes.

Mr. ALBRIGHT. There seems to have been some little misunderstanding or misapprehension about this matter.

Secretary BELKNAP. Yes, there is a misapprehension, and that is just what I desire to correct. Sometimes General Sherman forwards the paper; sometimes he approves it and sometimes he disapproves it. That is the case with every expenditure of money for these purposes authorized by the Secretary of War, except it is some very small matter, where red tape is cut by sending it immediately to the Secretary of War.

Mr. ALBRIGHT. With regard to this engineer battalion, some question has been raised as to the propriety of dispensing with its service. Would such a course be advisable in your opinion?

Secretary BELKNAP. Two years ago I visited Willet's Point to make a personal inspection of the engineer battalion, and from personal observation made at that time I consider it to be a very useful body of men. I confess that I was agreeably disappointed. I went there expecting to continue in the same general opinion which I had had before, but these men are very usefully employed there in preserving and taking care of engineering materials and in being instructed in pontooning and the manufacture of torpedoes, which is taking a very prominent part in engineering matters. It is a battalion established by law, under articles of war, as the other portions of the Army are. There are 354 men in the battalion. One of the companies is at West Point, and that company is engaged in engineering duties there in connection with instruction of the corps of cadets, and is very useful in that regard.

Mr. ALBRIGHT. That battalion of engineers is directly under your control?

Secretary BELKNAP. It is under the direction of the President, and consequently comes under the control of the Secretary of War; that is the law.

The CHAIRMAN. In view of the possible reduction of the Army, can the number of clerks and other civil employés and enlisted men detailed for extra duties in the War Department and in the Quartermaster's Department, and in all of these great departments, be diminished?

Secretary BELKNAP. A very beneficial change can be made in the War Department. The chairman of the Committee on Expenditures for the War Department, Mr. Williams, of Indiana, has prepared a bill, which I have seen, which reduces the clerical force in the War Department some two hundred. It increases the pay of some of the higher officers, especially the chief clerk, whose pay, I think, should be increased, for he is a very hard-working officer. But it reduces the number of employés and makes a very material reduction of expenditure. I am satisfied that if that bill, or a similar one, should pass, the work of the Department would be expedited and it would be demonstrated that we have too many employés there. The Adjutant-General's Office is very hard pushed, and though Mr. Williams's bill reduces the force there somewhat, yet other branches of the Department could stand it much better than the Adjutant-General's. There is an immense amount of work growing out of the war which that office has to perform. But in regard to the employés generally throughout the country, of the War Department, they could be reduced.

The CHAIRMAN. Have you any calculations or estimates going to show whether the number of employés in the Quartermaster's Department, some 6,000, can be cut down?

Secretary BELKNAP. They can be cut down in all the Departments, in my judgment. I have cut them down from time to time. I have a statement here showing that in 1870, shortly after I became Secretary of War, I reduced the number of animals, horses and mules, and also the number of employés, very materially. I have done it a second time since, and I have taken steps to do it a third time.

Before leaving this subject of expenditure in connection with public buildings, I would like to say that from time to time I have issued and enforced orders in connection with reduction of expenditures for repairs of buildings, &c., copies of which I would like to file here in connection with my statement. I would like to read one here, in order to have it embodied in my statement.

CIRCULAR.

WAR DEPARTMENT,
Washington City, March 11, 1873.

The Secretary of War has observed with much dissatisfaction the large amounts asked for deficiencies during the last session of Congress by several of the bureaux of the War Department.

When Congress gives the annual appropriations for the Department it is the obvious intent of that body, expressly declared in the seventh section of the act of July 12, 1870, that no more money than that appropriated shall be spent, or that the Government shall be involved in any contract "for the future payment of money in excess of such appropriations." It is, therefore, a palpable violation of that law when any head of bureau does involve the Government in the manner specified in that law. Every head of bureau shall take care to so distribute and economize the appropriations intrusted to his charge that the Government shall not be so involved. The expenditures *must* be kept within the appropriations.

WM. W. BELKNAP,
Secretary of War.

One word more with reference to the recommendations of department commanders as to the expenditure of money on barracks and quarters. While the commanders of departments are honest men (and I believe all of them are) and reliable men, yet some of them desire to have under their control amounts of money so that they themselves can decide as to what particular improvements shall be made in buildings, without reference to the Secretary of War. From one department an application has come once, and perhaps oftener, asking that a certain

amount of money be given to that department for use there, the department commander to decide what amount shall be expended in this improvement and what amount in that, without reference to the Secretary of War. I have constantly refused them, and I will do so. I desire the advice and assistance of department commanders. I always have it. But experience shows that if the recommendations of the department commanders were taken, without any revision by the Secretary of War, the appropriation for the purpose would be exhausted very rapidly. Not that they desire to waste or squander money, but every department commander is anxious to improve his own particular locality, and to make the troops in his own command comfortable. While the Secretary of War looks over the whole field and knows that he has so much money to expend, and has to keep within that bound, the department commander wants as much for his own department as he can get.

Mr. GUNCKEL. Would not that same principle apply to the different Departments in their demands upon Congress, and does not each head of a Department want as much as he can get for his own Department, while Congress has to look over the whole field?

Secretary BELKNAP. I have never objected, since I have had charge of the Department, to a revision by Congress. I think that the member of the Appropriation Committee of the House who has charge of the military bill will say that I have shown a desire to cut down wherever I could. When it comes to a question of pay for so many men, we can tell, of course, how much money it will take to pay thirty thousand men at a fixed rate, and how much money it will take to buy the subsistence and clothing for them. These are matters of arithmetic. But wherever there are other matters, which rest upon a person's judgment, I have no doubt that the Secretary of War can be mistaken in them sometimes just as easy as any other person.

The CHAIRMAN. I called your attention to the number of employés, civilians, and enlisted men in the different departments of the War Department, and my question was whether a material reduction of the Army would make a corresponding material reduction in those employés, not only in the War Department proper, but in the Quartermaster's and Commissary Departments and others?

Secretary BELKNAP. With a reduced Army there would not be so much work to be done, and, consequently, as great a number of employés would not be required to do it.

The CHAIRMAN. Would the employés be reduced in a corresponding degree with a reduction of the Army, except, of course, in the Ordnance and Engineer branches, which would not be reduced?

Secretary BELKNAP. There would be no reduction there, but there would be at the different military posts.

The CHAIRMAN. I speak of the Quartermaster's branch and the Commissary branch, and the Adjutant-General's branch, and the medical branch?

Secretary BELKNAP. There would be a reduction, provided that with a reduction of the Army there would be a reduction of military posts.

The CHAIRMAN. It would depend upon that?

Secretary BELKNAP. Yes, sir; to a great extent.

The CHAIRMAN. Have you made any calculation or estimate as to the probable reduction of employés?

Secretary BELKNAP. No, sir; I have not.

The CHAIRMAN. Can you make it with any degree of certainty?

Secretary BELKNAP. Yes, sir; I think so.

The CHAIRMAN. In connection with that letter which you have read,

complaining of heads of Bureaus exceeding the expenditures authorized in the appropriations, is there any way to reach them except by a gentle remonstrance in the shape of a letter; are those men not amenable to military law? Do they not commit such an offense as would authorize you to remove them, or to censure, or to put them into such a position as that they would not be apt to repeat it?

Secretary BELKNAP. We are told frequently by the gentlemen on the Appropriation Committee to cut our coat according to the cloth. Take the matter of mileage. A certain amount is appropriated for mileage. The applications for transportation and mileage of officers, or for the transportation of troops where they have to be changed, come to the Secretary of War, or perhaps the change of troops is made before it comes to the Secretary of War, and an expense is incurred which overruns the estimate to a great extent. The officers of the Quartermaster's Department may not themselves realize, in particular localities, how much money they require. It is impossible frequently to tell; and this order which I have read simply requires them to take more care in making these expenditures. Of course, if they willfully persist (which, since this circular, they have not done) in expending more money than the appropriation called for, and if they understandingly persist in it, they are liable to court-martial. But there are various appropriations, this for transportation and mileage, and some others which do not strike me just now, which are almost impossible to be determined beforehand. The Secretary of War may ask for a million dollars for mileage and transportation, and Congress may give him five hundred thousand dollars, and the transportation during the year may amount to a million and a quarter.

Right here let me make one remark, which may have some bearing upon the question. There are some regiments which the War Department would like very much to change the location of; not because it is absolutely necessary, but because those regiments have been a long time in a certain section of the country, and have endured the rigors of a bad climate, while other regiments have been in sections of the country more favorable to them. I would like, and so would the General of the Army, to exchange those troops, and yet it is impossible to do so on account of the immense expense. The transfer of the Third Cavalry from Arizona to the Department of the Platte, and of the Fifth Cavalry from the Department of the Platte to Arizona, (although the horses were not brought,) cost over \$200,000. The regiments exchanged horses, but the troops and baggage were moved, and that cost over \$200,000. There are regiments in Dakota, which have been there several years, enduring the rigors of that climate, and it would be very agreeable to their officers and men to be moved to a more southern station; while it would be equally agreeable to one of the regiments in Texas to take a northern station for a time, and yet it is impossible to make these movements on account of the expense.

Mr. HAWLEY, of Connecticut. It would not cost so much to change from Mississippi to Dakota. The Twentieth Infantry is at Pembina and around there, and the Nineteenth at New Orleans; would it cost \$200,000 for those regiments to change?

Secretary BELKNAP. It would not cost so much, but it would cost a large amount of money.

Mr. HUNTON. Could they not make the exchange by marching?

Secretary BELKNAP. No; that would be a pretty slow matter.

Mr. GUNCKEL. House bill No. 1009, reported from the Committee on Appropriations, seems to make an appropriation of about \$6,430,000

less than your estimates. I want to know whether these reductions are with or without your concurrence?

Secretary BELKNAP. My original estimate for the Army proper, including ordnance and ordnance stores, and for the engineer depot at Willet's Point, and for medical and hospital supplies, was \$33,093,716.60. On examination afterward I reduced that to \$32,768,716.60. Afterward, in connection with one of the members of the House Committee on Appropriations, I agreed to a further reduction to \$29,126,716.60. That reduction was mainly in ordnance and ordnance stores, and infantry, cavalry, and artillery equipments.

The CHAIRMAN. Was any of it made in view of the reduction of the Army?

Secretary BELKNAP. That last reduction was agreed to by me, on consultation with the member of the House Committee on Appropriations, as a sufficient amount, provided a reduction of the Army was insisted upon; in other words, that last appropriation of \$29,126,716.60, has reference to a reduction of the Army and the cessation of recruiting.

Mr. ALBRIGHT. What amount of reduction did it contemplate in the number of men in the Army, or would you simply stop recruiting?

Secretary BELKNAP. My understanding would be that we would simply stop recruiting.

Mr. GUNCKEL. Stop it partially or entirely?

Secretary BELKNAP. Stop it partially, and if a reduction of the Army was agreed upon, I would stop it entirely.

Mr. ALBRIGHT. I understand you to say that you agreed finally to that reduction, on condition that it involved a reduction of the Army.

Secretary BELKNAP. Do not understand me as agreeing to a reduction of the Army; but the member of the Appropriation Committee with whom I was in consultation asked me whether, if recruiting should cease, and the Army should be gradually reduced, that amount would not be sufficient, and I told him it would be.

Mr. GUNCKEL. What I want to know is, whether you agreed as to what extent the Army should be reduced?

Secretary BELKNAP. No, sir. It was simply that the recruiting service would be stopped gradually, and that the places of the men who gradually fall out of the Army should not be filled. I did not advise or agree to this beyond stating that if the Army was to be reduced, this amount would be sufficient.

Mr. THORNBURGH. The casualties are about 15,000 or 16,000 per annum. Would not that reduce the Army one-half in a year?

Secretary BELKNAP. Yes, sir. The casualties are pretty large, but I hardly think they are so large as that.

Mr. GUNCKEL. If I understand you, Mr. Secretary, the amount you agreed upon was \$29,126,716.60; but the amount reported in the bill is only \$28,500,000, making a difference of \$677,800. Did you agree to that?

Secretary BELKNAP. No, sir. That book you are looking at is made up in the Treasury Department, and they have put some items in there from other appropriations of the Army bill, which makes that difference in figures. This which I have is the Army bill proper; this is the copy of my estimate, and if I should go over these figures carefully I could eliminate the amount which has been taken from some other part of the bill and placed in there.

Mr. GUNCKEL. If there must be a reduction of \$6,430,000 from the amount named in this book of estimates, would you reduce it in the way

which this bill prescribes, or can you suggest a better way of making such reduction?

Secretary BELKNAP. That large reduction cannot be made with the Army on its present basis, and while recruiting is permitted, for the reason that I have estimated for the pay of 30,000 men. This bill appropriates \$1,000,000 less for pay, and \$1,000,000 less will not pay 30,000 men. I estimated for the subsistence of 30,000 men. This bill appropriates several hundred thousand dollars less for subsistence, and consequently that amount will not subsist them; and so on as to other items.

Mr. GUNCKEL. You had better go on, for that is what we want exactly.

Secretary BELKNAP. The amount appropriated by the bill reported from the Appropriation Committee is not in many items sufficient for the support of an army of 30,000 men. It is not sufficient in the pay of the Army, nor in its subsistence and clothing—in these three items particularly. That is a matter of arithmetic.

There is one item in the bill as reported by the Appropriation Committee which has been reduced, and concerning which I addressed a very strong note to Mr. Wheeler yesterday. That is the item for barracks and quarters. The appropriation for 1873-'74 was \$1,700,000; my estimate for this year was for \$2,000,000. On the revision of the estimates I did not reduce that amount. Mr. Wheeler has reduced it to \$1,500,000. That item he and I differed about, and yesterday I addressed him a communication urging him very strongly to embody the original amount in the bill, if practicable. The troops stationed on the plains are, in many instances, suffering for want of shelter, and \$1,500,000 is not sufficient for that purpose. That is the only item in the reductions made by him, of which I have perhaps any complaint to make, unless it is of the reduction of the recruiting fund, of pay, subsistence, and clothing, which would involve, of course, a reduction of the Army.

Mr. GUNCKEL. Assuming that a reduction of as much as \$6,500,000 is necessary, how would you make it?

Secretary BELKNAP. If Congress demands that a reduction of that amount shall be made, it can only be made, in my judgment, by a reduction of the Army. Experience has shown that when an army is over twenty thousand men, a soldier costs a thousand dollars a year. Thirty thousand men would cost \$30,000,000.

Mr. GUNCKEL. Can you reduce it by cutting down the number of officers and leaving the number of men as it is?

Secretary BELKNAP. With the present organization of the Army, in companies and regiments, the present number of officers is necessary for the management of the Army. In my judgment, if the Army is to be reduced, there should be a reduction of privates as well as officers, and of officers as well as privates; that is, if it is to be an actual reduction of the Army. I think that if you cut off 5,000 men, the officers for 5,000 men should also be cut off.

Mr. GUNCKEL. Would it be practicable to leave the number of men as it is and consolidate regiments, and in that way reduce the number of officers?

Secretary BELKNAP. O, yes; it could be done in that way. There could be a consolidation.

Mr. GUNCKEL. Would it be practicable?

Secretary BELKNAP. It would be practicable in one point of view. Congress can direct the President to consolidate regiments and to muster out officers; but it would be rather a severe burden on the Secretary of War to decide as to what officers should be relieved, and,

at the same time, to have frequent visits and letters from members of Congress asking all these officers to be retained.

The CHAIRMAN. Can the number of men be managed by a less number of officers, if regiments are consolidated?

Secretary BELKNAP. Yes, sir.

Mr. ALBRIGHT. I suppose that a good many of these officers, who have been on the frontier service, have not been able to get leave of absence, because they cannot be spared?

Secretary BELKNAP. Quite a number of them. The committee will understand me that I am not favoring a reduction of the Army. I am only answering the questions asked me.

Mr. DONNAN. How much of a reduction would the cessation of recruiting cause in the number of enlisted men annually?

Secretary BELKNAP. The number to be enlisted next year, estimated by the Adjutant-General, is 12,300 men. The number of men required at the date of his estimate to fill the Army was 1,854. The number of discharges by expiration of service in the next fiscal year is 6,964. The estimated number of desertions, deaths, &c., during the same period is 3,482. The number to be enlisted, 12,300. Mr. Wheeler's estimate for recruiting, as I understand, was based on the recruiting of 7,000 men instead of 12,000. He obtained this information from the Adjutant-General, based on the idea that instead of recruiting 12,000 the succeeding year he would recruit 7,000, throwing off 5,000 men; and the cost of recruiting is about \$20 for each man.

Mr. GUNCKEL. Then there is added to this the cost of transporting them to their regiments. Have you any idea how much that will average?

Secretary BELKNAP. The \$20 includes transportation. The cost of recruiting each man and of his transportation to the depot has averaged, for several years, \$20. It does not include clothing, but only recruiting and transportation.

Mr. DONNAN. There is a bill now before the House proposing to reduce the infantry regiments to fifteen. I desire to have your opinion as to the feasibility of that reduction, and as to its effect on the public welfare.

Secretary BELKNAP. I have answered before, that I do not think the Army should be reduced; and I have also answered before, that if the Army should be reduced, the infantry and artillery regiments can stand a reduction better, in my judgment, than the cavalry. I do not think that the time has yet come for the reduction contemplated by the bill.

Mr. YOUNG. State whether the recruiting service can be discontinued; and, if so, what the reduction of expenses would be.

Secretary BELKNAP. The recruiting service can be discontinued; but it would result finally in a discontinuance of the Army. I am unable to state how much of a reduction that would make immediately. There are a great many recruiting stations throughout the country. This statement made by the Adjutant-General shows that the cost per man would be \$20, and there are 12,000 men needed for next year. That would amount, in all, to about \$250,000.

Mr. YOUNG. That could be done without cutting out anybody now in the Army?

Secretary BELKNAP. Yes, sir.

Mr. MACDOUGALL. How many officers and men in the Army are employed in the signal-service?

Secretary BELKNAP. There are about 150 sergeants, I think. The sergeants are the men detailed from the Army to act as signal-observers.

There is no corps of signal-observers; but the Secretary of War takes from a company here and a company there a sergeant, who is turned over to the Signal-Officer, and instructed in his duties, who receives commutation of fuel, quarters, and clothing, and that, with his Army pay, is his compensation for acting as signal-officer.

Mr. MACDOUGALL. Are they judiciously employed, and are the results obtained from that service sufficiently valuable to be commensurate with the expense of it?

Secretary BELKNAP. As far as the signal-service is concerned, I think it is a very important work. It was called to my attention this morning, that the number of enlisted men is in excess of the number which should be under the control of the signal-officer, and I propose to make a reduction. But the sergeants, the signal-observers, perform, I think, a very useful duty, and a duty which, in my judgment, can be more economically performed by men drawn from the Army than by a corps of civilians.

Mr. THORNBURGH. Suppose that the Quartermaster's Department and the Commissary-General's of Subsistence Department were relieved of the settlement of the claims filed by persons who furnished stores for the Army during the late rebellion, would that materially lessen the expense of those Departments?

Secretary BELKNAP. It might lessen to a very small amount the expenses of the Departments, but I think it would involve an expenditure of a very large amount of money, by the payment by the Government of fraudulent claims.

Mr. THORNBURGH. Is there anything connected with settlement of those claims which makes the staff departments peculiarly fitted to pass upon questions arising under them?

Secretary BELKNAP. Yes, sir. There are a great many of those claims in the Departments, and they impose a burdensome duty on those Departments; but at the same time I am satisfied that their officers are peculiarly fitted to examine them, and I think that the result of that examination is the saving of a large amount of money to the Government.

Mr. HAWLEY, of Connecticut. It seems, in this estimate, that the item of transportation of all kinds is reduced from \$4,500,000 to \$4,000,000. Will that be enough to allow you to change the location of any of those regiments which have been six or eight years on duty at the same station?

Secretary BELKNAP. No, sir; it may allow the change of some, but I would, under that appropriation, make no change of regiments till nearly the close of the fiscal year, when I would be satisfied that I had enough money left to do it. I would look upon that as a luxury, which I would not indulge in till all the absolutely necessary expenditures had been made.

Mr. HAWLEY, of Connecticut. But is it not, in common humanity and out of regard for the health of the troops, a necessity that some of your regiments should change their location within the year?

Secretary BELKNAP. Humanity has a good deal to do with it.

The CHAIRMAN. There is another question which the committee is charged with examining into; that is, whether any works of fortification and defense can be dispensed with; and if so, what works, and in what measure?

Secretary BELKNAP. The principal work that has been done on fortifications during the past year is in connection with works at Portland, Boston, New York, Philadelphia, Fortress Mouroe, Charleston, Savannah,

Fort Jefferson, and other forts off the southern coasts of Florida and at New Orleans. Since 1866 earth-works have been constructed, and I find on an examination which I made this morning (on seeing the statement that these fortifications had cost \$600,000,000) that all the fortifications in this country had cost, from the beginning, about \$54,000,000.

As far as I have been able to learn, from personal examination of some, and from my general knowledge of the subject, together with the written reports of the Chief of Engineers, which come to me annually, I am of the opinion that the fortifications at the points which I have named should progress as rapidly as possible, and also on forts on the California side of the continent.

The CHAIRMAN. The question arises whether these forts should be completed, or whether earth-works could be erected which would answer the purpose.

Secretary BELKNAP. They are not using stone in fortifications now, and have not used stone since 1866, except on some interior works in the forts. That is my understanding of the matter from reading the reports of the Chief of Engineers.

The CHAIRMAN. Then the question arises whether these expensive earth-works should be constructed, or whether or not, with the facilities of travel and transportation, troops could be brought to these posts and temporary earth-works erected when the necessity arises, if sufficient ordnance stores are provided.

Secretary BELKNAP. I am one of those men who believe that in time of peace we should prepare for war. I was very fearful not many months ago that the result might show that in our fortifications we were not prepared for trouble which might come.

The CHAIRMAN. You would not reduce the expenses nor diminish the amount of work in any of those sea-coast fortifications?

Secretary BELKNAP. Not very materially. The exigencies of the times may require their reduction to some extent, but I would not reduce them looking to an abandonment of the works at all.

The CHAIRMAN. Would it not be better to keep in repair those which are completed, and to stop expenditures to any considerable extent on those in process of construction?

Secretary BELKNAP. One result of that course, which would not be economical, would be that a large amount of materials and improved machinery, now on hand for the continuance of those works, would deteriorate and become ruined by neglect, and when the works were commenced again the whole expenditures would have to be incurred over again.

The CHAIRMAN. Would you advise the beginning of any new work?

Secretary BELKNAP. No, sir; I do not think I would.

The CHAIRMAN. There has been a proposition to establish a national foundry and manufactory of heavy guns. Would that be a matter of economy or had it better be postponed?

Secretary BELKNAP. Of course that would cost some money; but in my judgment a large number of the existing arsenals might with propriety be sold and larger ones erected. In connection with this matter I have prepared a statement, which I would like to submit as part of my answer.

The statement was read by Secretary BELKNAP, as follows:

ARSENALS.

The necessity for a large arsenal of construction, a proving-ground, powder-depot, &c., was first made the subject of official action by the

War Department in 1862. The subject was again brought to the attention of Congress by the Chief of Ordnance in 1869, and has been referred to in each case of his annual reports since that year.

The wants of the Army and the country can be thoroughly met by the retention of the following arsenals, viz :

Benicia arsenal, for the Pacific coast.

San Antonio, Texas, for the Texas frontier.

Augusta, Ga., for the South Atlantic and Gulf.

Rock Island, Ill., for the Mississippi Valley, and

One grand arsenal for the Atlantic.

Benicia, Rock Island, and the Atlantic should be of such capacity for manufacture and storage as to suffice for the country in case of war. The San Antonio and Augusta arsenals would be convenient for storage and repairs, and the depot for the storage of powder at Jefferson Barracks should be retained.

The arsenals which might be abolished on economical grounds, and whose manufactures, &c., might be conducted at the Atlantic arsenal, are the following: Indianapolis, Columbus, Allegheny, New York, Detroit, Fortress Monroe, Fort Union, Frankford, Kennebec, Leavenworth, National armory, Pikesville, Vancouver, Washington, Watervliet, Watertown.

The purchase of an experimental proving-ground, so greatly needed by the Ordnance Department, would dispense with the further use of the Fortress Monroe arsenal, and it could be turned over to the artillery-school of practice at Fortress Monroe. The selection of the Leavenworth arsenal for the purposes of a military prison (which has been recommended) would dispose of that place. A large Atlantic arsenal would render the remainder unnecessary.

If such an arsenal cannot be obtained from Congress, then some of our present arsenals on the Atlantic coast having the greatest conveniences and capabilities should be selected and enlarged so as to meet all the requirements of the service east of the Mississippi as to manufactures, storage, &c., and the smaller arsenals be discontinued or sold. Some of the smaller arsenals might be retained for storage purposes, but the expense of their care and preservation is considerable, and the constant drain on the appropriations for the purpose is deemed of doubtful utility. They could be sold, it is thought, with great advantage to the United States.

The following would be the best selections for retention :

National armory, in Massachusetts, for the manufacture of small-arms.

Watervliet arsenal, in New York, for the manufacture of heavy carriages, leather work, &c.

Frankford arsenal, in Pennsylvania, for the manufacture of ammunition and explosives.

Should the appropriation for armament of fortifications render it expedient to begin the manufacture of cannon by the Ordnance Department, the Frankford arsenal, in close proximity to the coal and iron beds of Pennsylvania, would be selected for the construction of cannon, and the manufacture of ammunition and explosives would be transferred to the national armory..

The manufacturing and storage capacity of the three above-named establishments, when properly fostered and sustained, would, in connection with a storage depot in the harbor of New York, (New York arsenal,) be amply sufficient for the wants of the country east of the Mississippi. This would give one large armory to the New England States, one large arsenal to the State of New York, and one to Pennsylvania.

The CHAIRMAN. In view of a possible insurrection or rebellion, what

do you think of the policy of dispensing with arsenals and armories throughout the country? Might it not endanger the peace of the country, and would it not be better policy to have places for the storage of arms distributed pretty generally throughout the country, so that no uprising in a few places should endanger the Government by having all the arms seized?

Secretary BELKNAP. In this matter I have consulted the Ordnance Department very frequently since I first came here, and I came to the conclusion at first, and have adhered to it pretty closely, that a few large arsenals would be better than a great many small ones.

The CHAIRMAN. Suppose the case of an insurrection in the Eastern States, say in Pennsylvania, New York, and New England: if all the arsenals were in that section of the country, they would have in their control the manufacture and possession of almost all the arms of the country. We have no assurance but that such a contingency may arise, as that those States may want to separate from the Union, and in that case a very few thousand men could take and hold almost the entire capacity of the ordnance of the country. In view of that would it not be bad policy to abolish those smaller arsenals in the various sections of the country?

Secretary BELKNAP. Perhaps, in that extreme view of the case, it might be.

Mr. HAWLEY, of Connecticut. But is it worth while to pay \$500,000 a year on the chance of New England attempting to prevent the West from getting to the Atlantic?

Secretary BELKNAP. I think not. I would like to go back a little as to the question relative to the troops in Arizona. Among the services rendered by the troops in that Territory was the building of a telegraph line six hundred miles long, at less than the amount of the appropriation which was made for it. There was a large saving by using troops for that work, instead of civilians. There was an appropriation for that purpose, and the line is now in working order.

The CHAIRMAN. There is a bill introduced into the present Congress in regard to a large increase in the manufacture of arms, proposing an appropriation of a million a year for that purpose. Has your attention been directed to that question for an increased expenditure for the manufacture of arms?

Secretary BELKNAP. No, sir, not beyond the estimated expenditure for arming and equipping the militia.

Mr. HAWLEY, of Connecticut. Do you feel so sure that you have got the right kind of small-arms as that it would be worth while to make one or two millions of them?

Secretary BELKNAP. There was a board of experienced officers appointed on that question, and a great many trials were made, and those officers who were most capable of judging seemed to think that the Springfield breech-loader is as good an arm as can be obtained now. I suggested in my annual report the importance of the manufacture of a reserve supply for use in case of war, and an appropriation of \$500,000 was recommended for the manufacture of 35,000 arms of that pattern.

The following general orders were presented to the committee by Secretary Belknap, and ordered to be made part of the record:

[General Orders No. 4.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1873.

The last paragraph of General Orders No. 103, November 27, 1872, from this office, is hereby amended to read as follows:

When repairs become absolutely necessary for the preservation of public buildings or property that are rapidly deteriorating, department commanders, with the approval of their division commanders, may order the purchase of material, not to exceed in amount five hundred dollars (\$500) for any one post; but hereafter no estimate for a greater amount than this will be filled until it shall have been submitted to and ordered by the Secretary of War.

By order of the Secretary of War:

THOMAS M. VINCENT,
Assistant Adjutant-General.

[General Orders No. 19.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 25, 1873.

The payment of rent, or any allowance for quarters or fuel for officers' servants, is hereby prohibited until more specific legislation shall sanction it.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 57.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 28, 1873.

In view of the limited appropriations granted by Congress for the expenses of the War Department for certain purposes, it is hereby ordered that all expenditures for building material and the construction and repair of buildings which require to be paid from the appropriation for barracks and quarters for the current fiscal year, be suspended, and that no further expenditures be made for these purposes until the beginning of the next fiscal year.

It is also ordered that all civilians employed upon the construction and repair of such buildings be discharged, and enlisted men so employed be relieved from such duty until further orders; and that the pay of extra-duty men employed upon such construction and repair of buildings, which may be a charge upon the appropriation for incidental expenses of the Quartermaster's Department, shall cease from the date of the receipt of this order.

Commanding generals of divisions and departments will require their chief quartermasters to report to the Secretary of War, through the Quartermaster-General, without delay, *in detail*, the sums expended in their several divisions and departments for the rent or hire of quarters for troops and for officers on military duty; for storehouses for the safe-keeping of military stores; for offices; for ground for camps or encampments, and for temporary frontier stations; for construction and repair of temporary huts, of stables and other military buildings at established posts, and for repair of buildings occupied by the Army, giving the location of each building or piece of ground, and the sum paid for the rent or hire of each. Also, the amounts expended during the first half of the present fiscal year in the construction and repair of temporary huts, stables, and other military buildings in use by the Army in their respective divisions or departments.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 1.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 2, 1874.

The disbursement during the first half of the current fiscal year of the greater part of the amounts appropriated for "regular supplies," "incidental expenses," and "Army

transportation" involves the necessity of considerable retrenchment during the remainder of the year.

To this end, the Quartermaster-General and other heads of Bureaus, will carefully scrutinize the reports of citizens employed in their departments at different points, and direct the immediate discharge of such as are not absolutely necessary to perform the service required by law, regulations, and War Department orders, reporting the result of their action without delay to the Secretary of War.

The purchase of supplies and other expenditures will also be reduced to the lowest possible limit.

Estimates for funds will hereafter be made in time to enable the heads of Bureaus to transmit them so as to reach the disbursing officers by the 1st day of the month for which they are designed; and they will always exhibit the amount of funds on hand available for the purposes estimated for.

The estimates for paying employes will not exceed the amounts paid during the preceding month, excepting in cases of emergency or when authorized by proper authority, which must be fully explained.

Remittances will be made in such sums that chief disbursing officers (excepting paymasters) of divisions, departments, and depots shall at no time have on hand more than sufficient to meet the authorized expenditures for one month; and these remittances must, from month to month, be made to conform to the unexpended residues of the respective appropriations.

The rates of pay heretofore allowed citizen employes in the Army, whose compensation is not fixed by law, will be reduced as far as practicable.

Officers making inspections are required to examine and report whether disbursing officers comply with the requirements of this order.

It is expected that commanders of divisions and departments will co-operate, and exercise their authority in carrying out the measures of retrenchment herein directed.

By order of the Secretary of War :

E. D. TOWNSEND,
Adjutant-General.

WASHINGTON, D. C., *January 10, 1874.*

Examination of Bvt. Brig. Gen. J. D. BINGHAM, Acting Quartermaster-General.

By the CHAIRMAN :

Question. What items of expenditure set out in your estimates will be affected by a reduction or increase of the number of the Army ?

Answer. The items of expenditure for regular supplies, incidental expenses, barracks and quarters, transportation of the Army, and clothing and equipage.

Question. Please state in what this consists, and to what extent, showing upon a basis of a reduction of the Army to two-thirds of its present strength, provided the entire reduction is made in infantry regiments.

Answer. The item for regular supplies would be reduced	\$340, 000 00
Incidental expenses	152, 000 00
Transportation of the Army	600, 000 00
Barracks and quarters	300, 000 00
Clothing and equipage	638, 500 00
Total	2, 030, 500 00

The expenditures under the heads of incidental expenses, transportation, barracks, and quarters, depend, in a great measure, upon circumstances, and cannot, therefore, be predicted with accuracy. Certain items of expenditure under each head are, however, known, and the above reductions, especially under the head of incidental expenses, have

been based on these. The actual reduction may be greater. The reduction under the head of clothing and equipage is mainly in clothing. We have enough of most articles of equipage to last several years.

The above answer is based on the assumption that the reduction will be in enlisted men alone.

Question. Please state the difference in cost, so far as the Quartermaster's Department is concerned, between an infantry and cavalry soldier.

Answer. As nearly as can be computed the difference in cost is, per annum, \$223.40.

Question. Please state whether there is any difference between reducing the number of organizations and the number of men, in expense. If so, in what it consists and what it is.

Answer. If the reduction is in infantry organizations instead of enlisted men of infantry, there will be an additional reduction in expenditures as follows, viz:

Regular supplies	\$160,000 00
Incidental expenses	16,000 00
Army transportation	85,000 00
Barracks and quarters	100,000 00
Total additional reduction	361,000 00

There would also be a saving in equipage, but it would be of articles now in store, and would effect no saving in money, to any great amount, for some years to come.

The CHAIRMAN. State whether a reduction of the Army, to the extent of one-fourth, one-fifth, or one-sixth of its present numbers, would cause a corresponding reduction in the number of officials, clerks, and employes in the Quartermaster's Department, or what would be the consequent reduction, if any?

General BINGHAM. There would be some reduction, but not to an extent probably corresponding with the reduction of the force. It would depend upon the manner in which the troops were distributed. If the troops occupied the same posts as they do now, there are some items which would be changed very little. If the Army be reduced and the troops concentrated at a few posts, then the reduction would be very great.

The CHAIRMAN. Then you say that a reduction of the posts, corresponding with the reduction of the Army, would bring about a large reduction in the employes and officers of the Quartermaster's Department?

General BINGHAM. Yes, sir.

The CHAIRMAN. In this Army appropriation bill reported from the Committee on Appropriations, I see an item of \$1,300,000 for incidental expenses, to wit: "For postage and telegrams or dispatches; for extra pay to soldiers employed under the direction of the Quartermaster's Department, in the erection of barracks, quarters, store-houses, and hospitals, etc.;" can you, by looking at these items, say which of them would be unaffected by a reduction of the Army?

General BINGHAM. The number of extra-duty men would be reduced, but the extent of that reduction would depend more upon reducing the number of posts. With a reduction of the number of troops and of the number of posts there would be a corresponding reduction in the number of extra-duty men. The reduction at division and department headquarters would depend upon the reduction of the number of those

establishments. The hospital stewards in this city are almost entirely employed on clerical duty. No reduction of the Army would affect their duties, as I understand that they are principally employed in connection with the Pension Bureau. The reduction of the number of posts would bring about a reduction in the item for "expenses of expresses to and from the frontier-posts and armies in the field;" also of the item for "escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished;" also of the item for "expenses of the interment of officers killed in action, or who die when on duty in the field, and of non-commissioned officers and soldiers." A reduction of the Army would of course cause a reduction of expenses under those heads as well as under that of "authorized office furniture." As to the item for the "hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army," that would depend a good deal upon the reduction of the number of posts, more probably on that than on a reduction of the number of troops. As to the item for "compensation of clerks to officers of the Quartermaster's Department," with a reduction of the number of posts and of divisions and departments, there would be a corresponding reduction under that head.

The CHAIRMAN. In connection with that, is there any method of consolidating returns or of keeping accounts in the Quartermaster's Department that would keep all quartermaster property, camp, clothing, and garrison equipage together, so that any number of clerks could be dispensed with, or does the keeping of separate accounts as to quartermaster property, etc., necessitate the employment of a greater number of clerks? Is there anything in that?

General BINGHAM. I think there is very little in that. The saving would be greater in the Quartermaster-General's office and in the Treasury Department than anywhere else. Under the law the Second Auditor audits the clothing accounts, and the Third Auditor audits the money and property accounts of the Quartermaster's Department, so that it would be necessary to consolidate that business under one Auditor to accomplish much saving. We have to keep two separate branches in our office on that work, in consequence of its being divided between two Auditors.

As to the item for "compensation of forage and wagon-masters," I think that their number would be unaffected, as but very few are in service. As to the item "for the apprehension of deserters," it is very difficult to tell whether a reduction could be made in that amount by a reduction of the Army; if there were fewer men, of course there would be fewer to desert; but it might be that, if a reduced force were required to occupy the present posts, the soldiers would be more inclined to desert, on account of the service being much harder. As to the item for "the purchase of traveling forges, &c," that business has been transferred to the Ordnance Department. With a reduction of the cavalry there would be a reduction in the item for the hire of veterinary surgeons, medicine for horses and mules, &c. The reduction of the number of mules would depend upon the reduction of the number of posts more than on the reduction of the number of troops.

The CHAIRMAN. What would you say as to the item of \$350,000 for the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry as may be mounted?

General BINGHAM. That would depend, of course, upon the number of mounted men authorized.

The CHAIRMAN. Take this next item of \$4,000,000 for the transportation of the Army, clothing, horse-equipments, &c.

General BINGHAM. The cost of transportation would depend upon the distribution of the troops very much. There would be a reduction, of course, in the cost of transporting supplies for a smaller number of troops. If the troops are concentrated into a smaller number of posts, more accessible, there would be a considerable reduction under that head.

The CHAIRMAN. What are the great items of expenditure in this paragraph?

General BINGHAM. For transporting supplies on the frontier, in Arizona, Texas, the Department of Dakota, the Department of the Platte, Department of the Missouri, and New Mexico. Much of the transportation in those departments is done by contractors' trains. There is also a very large amount due every year to the Pacific Railroad for transportation over it; this is not paid to the railroad company, but is used to liquidate the indebtedness of the road to the United States.

The CHAIRMAN. I see here the phrase "for clearing roads, and for removing obstructions from roads, harbors, and rivers;" does that amount to any great sum?

General BINGHAM. No sir. There was probably some expenditure under that head during the Yellowstone expedition, and there is some expenditure under that head at the frontier posts, but, I think, not very large.

The CHAIRMAN. Go to the next paragraph, appropriating \$1,500,000 for hire of quarters for officers on military duty, hire of quarters for troops, &c.; what is the principal item of expenditure in that paragraph?

General BINGHAM. The amount paid annually for hire of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, and the commutation of quarters for enlisted men, (this last item is not named in the estimate but is paid from that appropriation,) is about \$806,000; leaving the remainder of that appropriation to be applied to the construction of temporary structures and stables, and to repairing public buildings at established posts.

The CHAIRMAN. As to the first item here for the hire of quarters for officers on military duty, please state the method of paying for the hire of quarters for officers on military duty.

General BINGHAM. When an officer arrives at a military station he makes a written application to the quartermaster for his allowance of quarters, inclosing a copy of the orders placing him on duty. Usually the officer selects the house in which he wishes quarters, and indicates it in his application. The quartermaster rents the quarters for him, within the limits fixed by the War Department, as to the number of rooms and the amount to be paid for them. The number of rooms to which each rank of officer is entitled is fixed by the regulations, and the Secretary of War limits the amount to be paid for each room. The quartermaster hires the quarters within these limits.

The CHAIRMAN. The quartermaster has no discretion as to the amount to be paid?

General BINGHAM. He cannot exceed the limit fixed.

Mr. GUNCKEL. Is there a general order on that subject?

General BINGHAM. There is a general order limiting the rent of rooms to \$18 per month at all places except on the Pacific coast, where I think the limit is \$20 per month.

Mr. GUNCKEL. How many rooms are allowed?

General BINGHAM. It varies according to the rank of the officer. A

lieutenant is entitled to two rooms, a captain to three, a major or lieutenant-colonel to four, a colonel or brigadier-general to five, and a major-general or lieutenant-general to six.

Mr. ALBRIGHT. If an officer does not make an application for rooms, does he get the money instead?

General BINGHAM. No, sir; he does not.

Mr. ALBRIGHT. He must take the rooms or get nothing?

General BINGHAM. Yes, sir.

The CHAIRMAN. If the officer owns the house, does he get the rent for the rooms the same as if it was the property of some one else?

General BINGHAM. I think he does.

The CHAIRMAN. Is there any regulation as to the rent of offices for headquarters in such great cities as New York, Chicago, Cincinnati, &c.?

General BINGHAM. There is no general regulation on that subject. Of course the number of rooms for each office is fixed in the regulations.

The CHAIRMAN. But as to the prices of those rooms?

General BINGHAM. The price is not fixed.

The CHAIRMAN. Can you state the amount that is paid for those great division and department headquarters?

General BINGHAM. I can send it to the committee.*

Mr. MACDOUGALL. Can an officer who is detailed on court-martial duty in Washington not commute for his quarters?

General BINGHAM. There is no commutation for quarters now. The rooms are hired, and are indicated in the account. The owner or agent is named in the account, and the payment is made in his name.

Mr. MACDOUGALL. When was the system of commutation for quarters abolished?

General BINGHAM. It was abolished by the law of 1870, which cut off all allowances, and fixed the pay of officers. Now, instead of commutation accounts being made out in the name of the officer, the accounts are made out for rent of the rooms in the name of the owner or agent, and the payments are made by a check in the name of such party.

The CHAIRMAN. I see an item of \$50,000 here for the preservation of clothing and equipage from moth and mildew. Do you know whether that process saves the Government anything?

General BINGHAM. We have been experimenting in that since 1868-'69. The Quartermaster General and those who have investigated the subject are satisfied that it is a matter of economy. There was a board ordered last winter to investigate the subject thoroughly, consisting of General Marcy, Inspector-General, and General Ingalls and Captain Lee, of the Quartermaster's Department. That board was in session in Philadelphia for some time, and the result of its examination was a conviction that it was a matter of economy, and the board recommended a continuance of the process.

The CHAIRMAN. Do you think it is better to resort to this method of preserving clothing and equipage than it would be to sell it and purchase new?

General BINGHAM. The process is only applied to such articles as are kept for issue to the troops. For instance, all the cloth that is used in the manufacture of uniforms this year has been subjected to that process.

The CHAIRMAN. It is not applied to uniforms already made?

General BINGHAM. No, sir; it has been applied to the great coats and

* The amount to be paid in New York City is limited by joint resolution of Congress, No. 10, approved February 21, 1868.

trousers which are common to the old and new uniform, and it had been applied to some articles of the old uniform before the adoption of the new.

The CHAIRMAN. I see an item of \$100,000 for Army contingencies?

General BINGHAM. That is under the immediate control of the Secretary of War.

The CHAIRMAN. There is another item of \$4,500,000 for the regular supplies of the Quartermaster's Department, consisting of stoves, fuel, forage in kind, &c. Will you point out what the great items of expenditure in that paragraph are?

General BINGHAM. I think fuel is the most expensive item; forage is next; stoves would come next, and the stationery and printing last.

The CHAIRMAN. Would or would not the amount of each of those items be materially affected by the size of the Army?

General BINGHAM. Yes; I have given that in my reply to your written questions. These items would be more directly affected by a reduction of the Army than any other items in our Department. I understood this question to apply to the Quartermaster General's Office only, and answered accordingly.

The CHAIRMAN. In speaking of your Department, have you an extra number of clerks, or can you diminish the clerical force in the Quartermaster's Department?

General BINGHAM. I can speak, of course, only in regard to the branches under my immediate charge. I have reduced whenever I could do so. Last May I reduced by transferring six clerks to another officer. When I came to the office the work was about eight years behind in the examination of accounts, and it was brought up last fall about to date. I reduced the number of clerks in the clothing branch in the same way. There were fourteen when I came here; now there are twelve clerks and three copyists. The clerks gained in my branches were sent to the claims branch, where the work appears to be gaining constantly.

Mr. GUNCKEL. About how many clerks have you altogether?

General BINGHAM. One hundred and thirty-nine, exclusive of the thirty copyists.

Mr. GUNCKEL. What is the average number of hours of service that they do per day?

General BINGHAM. Six hours.

Mr. GUNCKEL. Would it be economy to the Government to have them commence work earlier and continue later?

General BINGHAM. I do not know. During the war the number of working-hours was eight. I was not in the office long enough then to tell whether it made a difference in the amount of work performed or not.

The CHAIRMAN. The Quartermaster's Department has charge of this matter of head-stones, has it not?

General BINGHAM. Yes.

The CHAIRMAN. Have there been any additional clerks appointed in that branch this year?

General BINGHAM. Yes. I think that all the clerks engaged on that duty in our office are now paid from the appropriation for the care and maintenance of the national cemeteries.

The CHAIRMAN. How many persons are employed in that duty?

General BINGHAM. I think six clerks and two draughtsmen.

The CHAIRMAN. Are there any other persons employed and paid out of that fund?

General BINGHAM. I think that there is one messenger to take care of the rooms.

The CHAIRMAN. Is that a new force, increased since the appropriation of \$1,000,000 for that purpose?

General BINGHAM. These are not all on duty connected expressly with head-stones, but on all the duties in the Quartermaster-General's Office connected with the national cemeteries. The increase of force due to the increased work in the office in consequence of the appropriation for head-stones consists of four clerks. There are five civil engineers also employed in connection with the construction of permanent inclosures, lodges, and head-stones.

The CHAIRMAN. Do you know what these various clerks, engineers, and messengers are paid?

General BINGHAM. The engineers are allowed \$5 per day and a daily allowance of \$1.50 when absent on duty from their regular stations. This is to cover their extra expenses while traveling to and from the different cemeteries. The draughtsmen are paid \$5 per day. There are two clerks, who are paid \$150 a month each; two at \$125 each; one at \$100, and one at \$65.

The CHAIRMAN. Have there been any other additional clerks, employés, or draughtsmen appointed in any other branch of the Quartermasters' Department within the last year?

General BINGHAM. On the contrary, there has been a reduction. The only increase has been in the cemeterial branch.

The CHAIRMAN. Then this is the only branch in which there has been an increase of clerical force?

General BINGHAM. Yes; the force in the other branches has been reduced.

The CHAIRMAN. Have you let the contracts for head-stones?

General BINGHAM. Yes; the contracts have been made, signed, and approved complete.

Mr. ALBRIGHT. How many posts does the Quartermaster's Department supply?

General BINGHAM. The number varies from about two hundred and twenty-five to three hundred per year.*

The CHAIRMAN. Have you any data from which you can furnish the committee with information as to whether or not the number of posts can be reduced; whether certain posts can be consolidated for the convenience of your Department, by which means the routes can be shortened and the expenses of travel lessened?

General BINGHAM. No doubt I could indicate such a consolidation of posts as would be greatly to the advantage of our Department.

The CHAIRMAN. Would that be to the advantage of the Army and of the country?

General BINGHAM. That I cannot decide upon.

The CHAIRMAN. Can you furnish that readily to the committee?

General BINGHAM. I think I can do so in one or two days.

Mr. ALBRIGHT. What is the cause of the variance between two hundred and twenty-five and three hundred posts?

General BINGHAM. I am giving this number from memory; I can give you the number exactly by referring to the records. The last time that number was brought to my notice was in reference to the number of

* I based this reply on the number of quartermasters intrusted with funds, there being usually but one at a post. I find that there are at present but 159 posts occupied by troops, and 24 arsenals occupied by detachments of ordnance.

officers, post quartermasters, supplied with funds from the Quartermaster's Department, and I found that the number varied from two hundred and twenty-five to three hundred.

Mr. ALBRIGHT. So that sometimes there are more posts than at other times?

General BINGHAM. Yes, sir.

Mr. ALBRIGHT. Under the term "posts" you mean forts and camps, and all places occupied by the military?

General BINGHAM. Yes, sir.

The CHAIRMAN. Have you any other statement to make in connection with the matter, aside from the written statement prepared by you?

General BINGHAM. I have a written statement which has been prepared, and another which I am at work upon. I do not think of anything else.

The CHAIRMAN. What does the signal-service cost the Quartermaster's Department annually?

General BINGHAM. I think that I made that up not long since, and I will furnish it to the committee.

The following papers were subsequently furnished by General Bingham, and ordered to be made part of the record:

[General Orders No. 12.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 10, 1868.

[PUBLIC RESOLUTION—No. 10.]

JOINT RESOLUTION for reducing the expenses of the War Department, and for other purposes.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to take immediate measures for the reduction of the expenses of the Army and of the War Department at and in the vicinity of New York City, at as early a day as practicable, by concentrating the business of the quartermaster, commissary, clothing, ordnance, and medical bureaus, and recruiting service in said city, and that for this purpose there shall be hired and used, at some convenient and proper point in said city, one suitable building, in which shall be accommodated all the offices connected with and required for the transaction of such public business, at a cost to the Government not exceeding twenty-five thousand dollars per annum; and also a suitable building or property within the harbor of New York, or on the navigable waters thereof, which shall have sufficient accommodation of warehouse, pier, dock, and basin-room for the safe and convenient receiving, storing, and care of all Army stores of every kind and description belonging to either of said bureaus or branches of the service, at an annual cost to the Government not exceeding fifty thousand dollars: *Provided, however,* That nothing herein contained shall be construed to prevent the storage or keeping of ordnance-stores or other property at Governor's Island, or the use in any way, for the purposes of the Government, of any property or building which actually belongs to the United States.

Approved February 21, 1868.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[General Orders No. 76.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 15, 1866.

I. The monthly rate of commutation for quarters, where officers are serving without troops, and at posts where there are no public quarters which they can occupy, will be fifteen dollars (\$15) per room, except at places where, by the regulations or orders of the Secretary of War, a higher rate has been established.

This order to take effect from and after the first of October next.

II. The following are the places at which a higher rate of commutation than \$15 per room has been fixed:

San Francisco, Cal., \$20 per month.

Washington, D. C., \$18 per month.

Alexandria, Va., \$18 per month.

New Orleans, La., \$18 per month.

Galveston, Tex., \$18 per month.

Richmond, Va., \$18 per month.

Mobile, Ala., \$18 per month.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[General Orders No. 85.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, October 17, 1868.

By direction of the Secretary of War, the monthly rate of commutation for quarters, where officers are serving without troops, and at posts where there are no public quarters which they can occupy, shall be eighteen dollars (\$18) per room, except at places where, by the regulations or orders of the Secretary of War, a higher rate has been established.

This order to take effect from and after November 1, 1868.

By command of General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

[General Orders No. 92.]

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, November 4, 1868.

The following order has been received from the War Department, and is published for the government of all concerned. No other allowances of the class designated than those herein prescribed will be sanctioned after January 1, 1869:

The records of divisions, departments, and districts show a very large number of soldiers employed on extra duty as clerks, messengers, and orderlies at their headquarters. This is probably in some degree due to the difficulty of obtaining and keeping the necessary number of *efficient* and reliable men under the present uncertain system of details.

Accordingly, the commanding generals of military divisions and departments, and of the military districts, are hereby authorized to enlist a detachment of "general-service" men, in *no case exceeding* one sergeant, two corporals, and ten privates, and as much less as the actual necessities of the service will permit, to be employed as *clerks* at their headquarters; and they are authorized to discharge them, from time to time, when they are not required as clerks. It is expected that the efficiency of clerks thus obtained will greatly diminish the necessity for a large number.

If it be necessary to employ any men in excess of the number above authorized, the commanding generals must detail them from regiments serving within their commands; and in this case the men will *not* be dropped from the rolls of their companies.

Extra pay and commutation of rations, fuel, and quarters will be allowed under this order for the number of men and at the rates laid down in the following table. For any detailed men in excess of such number, only the cost-price of the regulation allowance of rations, fuel, and quarters, and no extra pay, will, under any circumstances, be authorized:

Grade.	Number allowed.	Extra pay per diem.	COMMUTATION.		
			Rations per diem.	Fuel per month.	Quarters per month.
Clerks, (general service).....	13	\$0 35	\$0 75	\$8 00	\$10 00
Messengers, (detailed from companies).....	5	20	50	8 00	10 00

Muster and muster and pay rolls of the detachments will be made as prescribed in the Army Regulations for companies. The general-service men and detailed men will be all mustered on the same rolls, with remarks showing to what commands or companies they properly belong. The detailed men who receive extra-duty pay and allowances will be distinguished from those detailed in excess of the authorized number.

This order will begin to go into effect immediately on its receipt, and the reductions to be made under its provisions must be fully completed by January 1, 1869.

By command of General Grant :

E. D. TOWNSEND,
Assistant Adjutant-General.

[General Orders No. 96.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 26, 1870.

The following instructions are issued for the guidance of officers of the Army under the "act making appropriations for the support of the Army, and for other purposes," approved July 15, 1870, which is published in General Orders No. 92, from this office:

I. Officers who wish to avail themselves of the provisions of sections 3 and 4 of the act are desired to apply for discharge or retirement at the earliest day practicable, and to accompany their application with a statement of reasons and circumstances which may serve accurately to determine their cases.

II. Under section 9, regimental commanders will assign the lieutenants who held the appointment of commissary to companies when vacancies exist, or attach them temporarily to companies for duty until vacancies occur, and make a special report of their action to the Adjutant-General of the Army.

III. Under section 10, regimental commanders will discharge the non-commissioned officers therein referred to, or, if the men so elect, may appoint them to vacancies in the existing grades of non-commissioned officers, or permit them to serve out their terms as privates.

IV. The commanders of the several geographical military departments will, as soon as they can be prepared, forward to the Adjutant-General of the Army the names, rank, regiment, and corps of staff or regimental officers who should be brought before the board provided for in section 11 of the act. In each case the cause, degree, nature, and duration of the disqualification will be stated as clearly as possible, and the documentary evidence, and list of witnesses necessary to sustain the allegation of unfitness, will also be furnished.

V. Department and regimental commanders may recommend, for sufficient cause, such meritorious officers as, from choice or peculiar fitness, may be advantageously transferred from one of the arms—cavalry, artillery, or infantry—to another.

VI. Section 15 relates to the residence and command of the General of the Army, and the transmission of the President's orders through him.

VII. The commutations for fuel and quarters heretofore allowed to officers of the Army not furnished in kind having been abolished by section 24, in cases where buildings suitable for officers' quarters are not owned by the United States, the Quartermaster's Department will, whenever practicable, rent for each officer a number of rooms, and at a rate per month per room not exceeding in the aggregate that now established by regulations and orders; but whenever, for good and sufficient causes, an officer is quartered in a lodging-house or hotel where the rental of a full allowance of rooms would be costly, a sum not exceeding that above specified for an officer of his rank may be paid to the proprietor for the accommodations so furnished.

By order of the Secretary of War :

E. D. TOWNSEND,
Adjutant-General.

[General Orders No. 100.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 10, 1873.

The following instructions, in which are consolidated the existing regulations and orders relative to the allowance of fuel, are published for the information and guidance

of the Army. The number of rooms and quantity of fuel for officers and men are as follows:

	Rooms.			Cords of wood per month.		Increased allowance from Sept. to April, both inclusive.	
	As quarters.	As kitchen.	As office.	From May 1 to Aug. 31.	From Sept. 1 to April 30.	Between 36th and 43d deg. N. latitude, one-fourth.	North of 43d deg., one-third.
The General, (see note at foot of table.)							
The Lieutenant-General or a major-general	5	1		1	5	1½	1½
A brigadier-general or colonel	4	1		1	4	1	1½
A lieutenant-colonel or major	3	1		1	3	¾	1
A captain or chaplain	1	1		1	1	¾	1
A lieutenant							
The General commanding the Army			3		3	1	1
The commanding officer of a geographical division or department			2		2	¾	¾
An assistant or deputy quartermaster-general, an assistant commissary-general of subsistence, an assistant surgeon-general, the assistant judge-advocate general, and the assistant and deputy paymaster-general, each			2		2	¾	¾
The commanding officer of a regiment or post, a paymaster, quartermaster, assistant quartermaster, commissary of subsistence, and military store-keeper, each			1		1	¾	¾
The senior ordnance officer at the headquarters of a geographical division or department			1		1	¾	¾
The assistant adjutant-general at the headquarters of the Army, the assistant adjutant-general, the inspector-general or assistant inspector-general, the medical purveyor, and the medical director and medical purveyor of a geographical division or department, each			1		1	¾	¾
An acting assistant quartermaster, an acting commissary of subsistence, a regimental or post adjutant, when approved by the Quartermaster-General, each			1		1	¾	¾
A wagon and forage master, sergeant-major, ordnance-sergeant, commissary-sergeant, superintendent national cemetery, medical-cadet, hospital-steward, regimental veterinary surgeon, and principal musician, each	1			1	1	¾	¾
Each non-commissioned officer, musician, private, and laundress				1-12	1-6	1-24	1-12
Each necessary fire for the sick in hospital at military post or station, to be regulated by the surgeon and commanding officer, not exceeding				1	2	1	1
For general hospitals, when necessary, not exceeding for each bed				1-12	1-6	1-24	4-24
Each guard-fire, to be regulated by the commanding officer, not exceeding					3	1	1
Each necessary fire for military courts or boards, at a rate not exceeding					2	1	1
Store-house of a commissary, quartermaster, medical purveyor, when necessary, not exceeding					1	1	1
A regimental or post mess	1				1		
Each employé of the Quartermaster or Subsistence Department to whom subsistence in kind is issued by the Government				1-12	1-6	1-24	1-12
For chapel, reading or school room, one room and such fuel as may be necessary, to be provided upon the requisition of the chaplain, approved by the commanding officer	1						

NOTE.—The allowance for fuel and quarters to the General of the Army of the United States, when his headquarters are in Washington, D. C., is at the rate of \$300 per month.

Kindling-wood may form a part of the *regular* issue of fuel in proportion equal to one-sixth of the whole allowance authorized, according to the scale of equivalents established by General Orders No. 13, of 1879, from this office, and the rate of commutation therefor at each military post or station shall be the market-price of kindling-wood at the time such commutation occurs. [General Orders No. 18, Headquarters of the Army, Adjutant-General's Office, February 9, 1870.]

The foregoing allowances will take the place of paragraph 1068, Revised Army Regulations, 1863.

Merchantable hard wood is the standard; the cord is 128 cubic feet.

Paragraphs 1068 and 1069 of the Regulations are modified so as to provide that in the issue of fuel the following scale of equivalents shall be used, the standard being merchantable oak wood, delivered, viz:

One cord of the standard oak wood equals—

One cord of merchantable oak.

One and one-fifth cord of yellow pine.

One and three-fourths cord of white pine, poplar, cottonwood, or other soft wood.

One thousand six hundred pounds of anthracite or bituminous coal. [General Orders No. 13, Headquarters of the Army, Adjutant-General's Office, March 9, 1869.]

In the issue of coals of the Pacific slope, the following scale of equivalents shall be used, the standard being merchantable oak wood, delivered, viz:

One cord of the standard oak wood equals—

Two thousand five hundred pounds Rocky Mountain brown coal, Wahsatch Range.

Two thousand six hundred pounds Mount Diablo, California, and Coose Bay, Oregon, brown coal.

Two thousand four hundred pounds Seattle, Washington Territory, brown coal.

Two thousand two hundred pounds Bellingham Bay, Washington Territory, brown coal.

One thousand eight hundred pounds Nanaimo, Vancouver's Island, British Columbia, brown coal. [General Orders No. 19, War Department, Adjutant-General's Office, April 24, 1872.]

A mess-room, and fuel for it, are allowed only when a majority of the officers of a post or regiment unite in a mess; never to less than three officers, nor to any who live in hotels or boarding-houses. Fuel for a mess-room shall not be used elsewhere or for any other purpose. [Paragraph 1072, Regulations.]

Fuel issued to officers or troops is public property for their use; what they do not actually consume shall be returned to the quartermaster and taken up on his quarterly return; with this exception, however, that the fuel issued to troops and not actually used in quarters may be used in baking their bread. [Paragraph 1073.] Particular attention of officers is called to the foregoing provision.

In September, October, November, December, January, February, March, and April, the fuel is increased one-fourth at stations from the 36th to the 43d degree north latitude, and one-third at stations north of the 43d degree. [Substituted for paragraph 1074, General Orders No. 96, Headquarters of the Army, Adjutant-General's Office, November 23, 1868.]

Fuel shall be issued only in the month when due. [Paragraph 1075.]

At posts at great elevations above the sea-level, or which may be otherwise exposed to extreme cold, the Secretary of War, upon recommendation of post, department, and division commanders, will authorize such increase of fuel as may be necessary for the health and comfort of the troops.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 12, 1874.

SIR: In compliance with your request, I have the honor to submit the following statement of the annual expenditures of the Quartermaster's Department, for rent of buildings occupied as quarters by officers of the Army, and rent of buildings hired for purposes of storage, offices, stabling, &c., at the headquarters of the several military divisions and departments of the Army. Also, a similar statement of the rents paid in this city.

Location of headquarters.	Divisions.	Departments.	Officers' quarters.	Offices, &c.	Total.
New York City.....	Atlantic..	1st district.....	\$32,948 00	\$35,700 00	\$68,648 00
Boston, Mass.....	do	2d district	7,128 00	1,200 00	8,328 00
Philadelphia, Pa	do	3d district	14,256 00	4,999 92	19,255 92
Detroit, Mich	do	4th district	8,424 00	1,769 88	10,193 88
Buffalo, N. Y.....	do	5th district.....	3,888 00	648 00	4,536 00
Total Division of the Atlantic.....			66,644 00	44,317 80	110,961 80

Location of headquarters.	Divisions.	Departments.	Officers' quarters.	Offices, &c.	Total.
San Francisco, Cal.	Pacific	California	\$29,280 00	\$39,876 00	\$69,156 00
Portland, Oreg.	do	Columbia	10,800 00	10,176 00	20,976 00
Prescott, Ariz.	do	Arizona *			
Total Division of the Pacific			40,080 00	50,052 00	90,132 00
Chicago, Ill.	Missouri		14,040 00	13,800 00	27,840 00
Saint Louis, Mo.	do		4,104 00	10,800 00	14,904 00
Leavenworth, Kans.	do	Missouri	3,456 00	1,620 00	5,136 00
Omaha, Nebr.	do	Platte	11,232 00	4,455 96	15,687 96
Saint Paul, Minn.	do	Dakota	14,256 00	5,947 92	20,203 92
San Antonio, Tex.	do	Texas	10,584 00	14,070 00	24,654 00
Santa Fé, N. Mex.	do	Dist. New Mexico*			
Total Division of the Missouri			57,672 00	50,753 88	108,425 88
Louisville, Ky.	South	South	12,744 00	8,079 96	20,823 96
New Orleans, La.	do	Gulf	13,176 00	9,720 00	22,896 00
Total Division of the South			25,920 00	17,799 96	43,719 96

* Public buildings occupied; nothing paid for rents.

The annual amount paid for rents at Washington for officers' quarters is \$32,616, and for other buildings \$48,160.08, making a total of \$110,776.08.

RECAPITULATION.

Total amount Division of the Atlantic	\$110,961 80
Total amount Division of the Pacific	90,132 00
Total amount Division of the Missouri	108,425 88
Total amount Division of the South	43,719 96
Total amount depot at Washington	110,776 08
Grand total	464,015 72

In reference to the expenditure by the Quartermaster's Department on account of the Signal-Corps of the Army, it is estimated at \$123,325 per annum.

Very respectfully, your obedient servant,

J. D. BINGHAM,

Acting Quartermaster-General, Brevet Brigadier-General, U. S. A.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

QUARTERMASTER-GENERAL'S OFFICE,

Washington, D. C., January 13, 1874.

SIR: In reply to your letter of the 13th instant, I have the honor to furnish the following list of the civil employes of the Army, showing the number of each class and their rate of pay, as indicated on the estimates for November last:

No.	Occupation.	Monthly pay of each.	Total monthly pay.
1	Clerk	\$215 05	\$215 05
10	do	170 00	1,700 00
5	do	170 45	852 25
1	do	161 29	161 29
47	do	150 00	7,050 00
3	do	145 00	435 00
10	do	140 00	1,400 00
7	do	135 00	945 00
6	do	133 00	798 00
3	do	133 33	399 99
9	do	116 66	1,049 94
117	do	125 00	11,625 00
47	do	100 00	4,700 00

No.	Occupation.	Monthly pay of each.	Total monthly pay.
5	Clerk.....	\$115 00	\$575 00
3	do.....	110 00	330 00
2	do.....	75 00	150 00
1	do.....	70 00	70 00
1	do.....	60 00	60 00
1	do.....	50 00	50 00
279	Total.....		35,566 52
1	Agent, one-half paid by railroad companies	300 00	300 00
3	Agents.....	150 00	430 00
1	do.....	130 00	130 00
16	do.....	125 00	2,000 00
4	do.....	75 00	300 00
6	do.....	100 00	609 00
1	do.....	140 00	140 00
1	do.....	135 00	135 00
1	do.....	130 00	130 00
1	do.....	50 00	50 00
1	do.....	30 00	30 00
36	Total.....		4,265 00
5	Draughtsmen	150 00	750 00
1	do.....	130 00	130 00
6	Total.....		880 00
4	Storekeepers.....	125 00	500 00
1	do.....	135 00	135 00
1	do.....	113 63	113 63
1	do.....	112 00	112 00
8	do.....	100 00	800 00
1	do.....	86 00	86 00
2	do.....	80 00	160 00
6	do.....	75 00	450 00
2	do.....	40 00	100 00
1	do.....	41 60	41 60
27	Total.....		2,498 23
	Superintendents and foremen	150 00	600 00
4	do.....do.....	142 05	142 05
1	do.....do.....	125 00	125 00
1	do.....do.....	100 00	200 00
2	do.....do.....	75 00	150 00
2	do.....do.....	80 00	160 00
2	do.....do.....	60 00	120 00
2	do.....do.....	55 00	55 00
1	do.....do.....	50 00	100 00
2	do.....do.....	48 00	48 00
1	do.....do.....	40 00	40 00
19	Total.....		1,740 05
2	Printers.....	150 00	300 00
5	Telegraph operators.....	120 00	600 00

No.	Occupation.	Monthly pay of each.	Total monthly pay.
2	Telegraph operators.....	\$100 00	\$200 00
7	.....do.....	85 00	595 00
14	Total.....		1,395 00
1	Inspectors.....	208 33	208 33
1	.....do.....	150 00	150 00
4	.....do.....	125 00	500 00
1	.....do.....	90 00	90 00
1	.....do.....	85 00	85 00
1	.....do.....	75 00	75 00
9	Total.....		1,008 33
1	Copyist.....	50 00	50 00
2	Messengers.....	84 00	168 00
1	.....do.....	80 64	80 64
6	.....do.....	75 00	450 00
13	.....do.....	60 00	780 00
1	.....do.....	54 00	54 00
2	.....do.....	50 00	100 00
7	.....do.....	45 00	315 00
4	.....do.....	40 00	160 00
4	.....do.....	35 00	140 00
3	.....do.....	30 00	90 00
1	.....do.....	25 00	25 00
44	Total.....		2,362 64
1	Laborer.....	94 00	94 00
4	.....do.....	84 00	336 00
11	.....do.....	60 00	660 00
117	.....do.....	54 00	6,318 00
2	.....do.....	52 50	105 00
26	.....do.....	50 00	1,400 00
36	.....do.....	45 00	1,620 00
5	.....do.....	40 00	200 00
2	.....do.....	38 00	76 00
41	.....do.....	35 00	1,435 00
105	.....do.....	30 00	3,150 00
4	.....do.....	25 00	100 00
2	.....do.....	20 00	40 00
358	Total.....		15,534 00
1	Watchman.....	84 00	84 00
3	.....do.....	75 00	225 00
3	.....do.....	70 00	210 00
2	.....do.....	65 00	130 00
22	.....do.....	60 00	1,320 00
21	.....do.....	45 00	945 00
4	.....do.....	40 00	160 00
11	.....do.....	35 00	385 00
13	.....do.....	30 00	390 00
1	.....do.....	25 00	25 00
1	.....do.....	20 00	20 00
82	Total.....		3,894 00

No.	Occupation.	Monthly pay of each.	Total monthly pay.
1	Blacksmith and farrier.....	\$166 00	\$166 00
8	do.....do.....	125 00	1,000 00
1	do.....do.....	120 00	120 00
3	do.....do.....	115 00	345 00
5	do.....do.....	100 00	500 00
31	do.....do.....	90 00	2,790 00
2	do.....do.....	85 00	170 00
3	do.....do.....	84 50	253 50
31	do.....do.....	75 00	2,325 00
3	do.....do.....	70 00	210 00
25	do.....do.....	68 75	1,718 75
2	do.....do.....	60 00	120 00
1	do.....do.....	40 00	40 00
116	Total.....		9,758 25
2	Blacksmith's helpers.....	50 00	100 00
1	do.....	75 00	75 00
3	Total.....		175 00
7	Wagon and forage masters.....	100 00	700 00
1	do.....do.....	85 00	85 00
4	do.....do.....	80 00	320 00
12	do.....do.....	75 00	900 00
2	do.....do.....	65 00	130 00
3	do.....do.....	60 00	180 00
2	do.....do.....	55 00	110 00
11	do.....do.....	50 00	550 00
1	do.....do.....	45 00	45 00
1	do.....do.....	40 00	40 00
44	Total.....		3,060 00
2	Engineers.....	125 00	250 00
7	do.....	100 00	700 00
1	do.....	93 00	93 00
4	do.....	90 00	360 00
1	do.....	75 00	75 00
1	do.....	70 00	70 00
1	do.....	45 00	45 00
17	Total.....		1,593 00
3	Interpreters and guides.....	150 00	450 00
7	do.....do.....	125 00	875 00
16	do.....do.....	100 00	1,600 00
5	do.....do.....	85 00	425 00
17	do.....do.....	75 00	1,275 00
1	do.....do.....	80 00	80 00
1	do.....do.....	60 00	60 00
3	do.....do.....	50 00	150 00
2	do.....do.....	40 00	80 00
55	Total.....		4,995 00
2	Firemen.....	60 00	120 00
1	do.....	30 00	30 00
3	Total.....		150 00

No.	Occupation.	Monthly pay of each.	Total monthly pay.
1	Janitor	\$85 00	\$85 00
1	do	75 00	75 00
1	do	84 00	84 00
2	do	68 50	137 00
3	do	60 00	180 00
1	do	40 00	40 00
9	Total		601 00
1	Packer	115 00	115 00
4	do	100 00	400 00
5	Packers	90 00	450 00
2	do	85 00	170 00
3	do	80 00	240 00
4	do	75 00	300 00
20	do	60 00	1,200 00
3	do	50 00	150 00
2	do	45 00	90 00
1	do	40 00	40 00
5	do	30 00	150 00
50	Total		3,305 00
1	Teamsters	80 00	80 00
2	do	65 00	130 00
12	do	60 00	720 00
1	do	54 00	54 00
23	do	50 00	1,150 00
7	do	45 00	315 00
1	do	40 00	40 00
3	do	38 00	114 00
208	do	35 00	7,280 00
268	do	30 00	8,040 00
25	do	25 00	625 00
4	do	15 00	60 00
555	Total		18,608 00
1	Scavenger	80 00	80 00
12	Cooks	25 00	300 00
2	Saddlers	125 00	250 00
1	do	100 00	100 00
2	do	85 00	170 00
5	do	80 00	400 00
13	do	75 00	975 00
4	do	68 75	275 00
1	do	65 00	65 00
1	do	30 00	30 00
1	do	71 50	71 50
30	Total		2,336 50
1	Painter	81 00	81 00
2	do	75 00	150 00
1	do	62 50	62 50
4	Total		293 50

No.	Occupation.	Monthly pay of each.	Total monthly pay.
1	Herder	\$75 00	\$75 00
2	do	50 00	100 00
2	do	49 00	98 00
4	do	35 00	140 00
38	do	30 00	1,140 00
47	Total		1,553 00
4	Wheelwrights	125 00	500 00
5	do	115 00	575 00
17	do	90 00	1,530 00
2	do	81 00	162 00
1	do	80 00	80 00
26	do	75 00	1,950 00
2	do	71 50	143 00
10	do	68 75	687 50
67	Total		5,627 50
2	Tent-makers	59 37½	118 75
1	Mail-carrier	167 50	167 50
1	do	100 00	100 00
2	Total		267 50
1	Hostler	60 00	60 00
2	do	50 00	100 00
4	do	45 00	180 00
25	do	35 00	840 00
26	do	30 00	780 00
57	Total		1,960 00
40	Farmers, discharged at end of November	25 00	1,000 00
3	Station-keepers	35 00	105 00
2	Carpenters	68 75	137 50
1	do	75 00	75 00
3	Total		212 50
1	Cutter	125 00	125 00
14	do	90 00	1,260 00
4	do	75 00	300 00
19	Total		1,685 00
1	Superintendent on artesian-well		1,330 00
4	Borers on artesian-well		
The number of extra-duty men employed during the same month was as follows, viz:			
1,947	Artificers, overseers, clerks, signal-sergeants, &c ..	10 50	20,443 50
2,178	Laborers, teamsters, &c	6 00	13,068 00

No civilians are now employed under the head of barracks and quarters. The law requires that construction and repairs of temporary buildings shall, except in certain cases, be done by the troops.

Very respectfully, your obedient servant,

J. D. BINGHAM,

Acting Quartermaster-General, Bvt. Brig.-Gen., U. S. A.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

WASHINGTON, D. C., *January 10, 1874.*

Examination of S. V. BENÉT, Major of Ordnance.

By the CHAIRMAN:

Question. Are the present works in fortifications in this country, made of stone and brick, capable of resisting the heavy artillery which may be brought to bear against them?

Answer. The report of the board of engineers, approved by General Sherman and the Secretary of War, discusses the question of iron-cladding the forts, which has been tried in Russia, and I think in other countries. But the advantage of it was a matter which they did not consider as fully proved, and the conclusion reached was, that the fortifications should be protected by earth, and that in desirable places earth-works should be put up, with wooden platforms. That is the principle, I think, on which the engineers are working now, to protect their guns, by means of earth, as the very best protection.

Question. What is the comparative cost of earth and masonry works of defense, in so far as a comparison can be instituted?

Answer. The correspondence with the Chief Engineer, herewith submitted, is a reply to this question.

The correspondence is as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, May 21, 1873.

SIR: I am directed by the Chief of Ordnance to request that this office may be furnished at an early day with a list of the fortifications now in readiness to receive their armament, or which may become so during the next fiscal year, and a detailed statement of the number and kind of guns, carriages, &c., required to fully arm each work.

To enable this office to properly present its estimates to the honorable Secretary of War, as well as to form an opinion as to future estimates of funds to arm the fortifications now complete or projected, it is desired to know the cost of the various completed works for each gun mounted or to be mounted for service.

Respectfully, your obedient servant,

S. V. BENÉT,
Major of Ordnance.

The CHIEF OF ENGINEERS,
United States Army, Washington, D. C.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., August 11, 1873.

SIR: In reply to your communication of May 21, 1873, I send herewith a tabular statement showing, 1st, the total armament required for the various sea-coast defenses now in course of modification or construction under plans approved by the Secretary of War; and, 2d, the portion of this armament which each work will probably be ready to receive and mount on the 30th of June, 1874.

In this table the calibers of the pieces are definitely given only so far as they have

been fixed on the plans of the works; where they have not been so fixed, they are given as "15-inch or equivalent guns," and it is understood that these will be furnished as smooth-bore and rifled guns in the proportion recommended by the armament board of 1868.

The armament board also recommends that no gun smaller than a 10-inch rifle should hereafter be provided for the barbette armament of permanent fortifications; and, as it is understood that the 10-inch rifle-carriage will be adapted to the present 10-inch gun platform, it is proposed to dismount all 10-inch smooth-bore and smaller guns en barbette, and supply their places—on such platforms as are not to be removed—with 10-inch rifles; the Rodman guns to be transferred to the casemates.

At the positions designated in the table for depressing carriages the parapets and platforms will be provisionally arranged for the reception of the ordinary carriages.

With respect to your inquiry as to "the cost of the various completed works for each gun mounted or to be mounted for service," I have to say that there are no works which can be as yet considered completed; and that as the money heretofore expended upon them has been to prepare them for the reception of much smaller ordnance than that now proposed, a knowledge of the amount so expended, it would seem, would afford no data upon which to base even an approximate estimate for future appropriations. For a statement of the amount appropriated for the various works up to 1870, I beg leave to refer you to my letter of April 4, 1870, to Gen. J. A. Logan, chairman of Committee on Military Affairs, House of Representatives, Ex. Doc. No. 243, second session 41st Congress.

It is, however, thought that the accompanying table itself will be sufficient to enable you to "form an opinion as to future estimates of funds to arm the fortifications," as it not only shows the armament required for the next year, but also shows the total armament required for each work when completed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,

Brigadier-General and Chief of Engineers.

Brig. Gen. A. B. DYER,

Chief of Ordnance, U. S. A., Washington, D. C.

In regard to the matter of heavy armament, I will read to the committee what is said on that subject in my annual report:

HEAVY ORDNANCE.

In my last report attention was specially invited to the absolute necessity of provision being made for the armament of our sea-coast defenses. The importance of the subject increases with the earnest and continued efforts on the part of all nations not only to improve the quality of their guns, but in providing, in quantities, those that have given best results in experimental trials. It is not the part of wisdom to wait for ultimate perfection in gun-constructions, which may never be attained, or for the first rumbling of approaching strife, when guns are needed in the fortresses and not in the foundries, to commence the tedious and costly work of construction. In the modern quick and decisive settlement of differences by the arbitrament of arms there is no time for preparation after the declaration of war; and a nation may sink beneath the powerful blows of a well-armed adversary in less time than it takes to manufacture a single gun. It thus becomes the duty of this Bureau to bring to the attention of the War Department and of Congress the paramount importance of a subject upon which the successful defense of the country largely depends. This duty has been performed in years past; and should war with any naval power find our harbors open to the attack of iron-clads and their heavy guns, without proper provision having been made for a successful defense, the responsibility will not rest on this Bureau, which has, with almost disagreeable importunity, placed the matter squarely before the country, and asked for appropriations.

The statement, "Armament of the fortifications," appended, is based on information received from the Chief of Engineers, and shows that the number of guns, of all kinds, required to arm our forts, as far as yet determined, amounts to a total of 4,181. To completely arm all the forts, when the character of their armament is hereafter fully determined, will largely increase this total. Of these 4,181 guns, 2,301, including those on hand, will be needed on the 30th next June. There are on hand, at the forts and arsenals, 1,659 guns, leaving 1,142 required during the next fiscal year.

These guns, carriages, and necessary projectiles should be provided with all possible dispatch; but as no rifle of large caliber has yet been adopted for our service, our present wants can be best met by providing the smooth-bores, which are admitted to be the most efficient known. These are positive demands upon this Department for our coast defenses; not for an undefined future, but for the actual present.

It is, therefore, with all confidence in the justness and necessity of our wants, that an estimate of \$1,449,552 has been made for the armaments of our forts for the next

fiscal year, being about one-sixth of the money-value of the absolute requirements; and this estimate has been so reduced because it is believed that the whole manufacturing industry of the country is not equal to a larger production. The estimate has been made specifically, giving the minimum number of guns that ought to be at once provided for one or more forts that protect each of our most important harbors, that the subject, in its detail and its entirety, may be fairly stated and clearly understood.

Another consideration should not be disregarded. The moneys appropriated by Congress during the past two years for fortifications average \$1,368,000. It would be difficult, if not impossible, to determine the actual cost of each fort per gun, depending, as this must, upon the material of its construction—an earth-work being comparatively cheap as compared with brick or stone or the more costly iron-clad walls—but it is fair to conclude that the guns and carriages, especially guns of steel, like Krupp's, or of wrought iron, like the Woolwich, with wrought-iron carriages, do cost as much as the fort which they arm and defend. The price given by Krupp's agent on July 2, 1872, for a 12-inch steel gun and its carriage, delivered at the works in Essen, was \$48,500, gold. An armament composed entirely of such guns would, it is believed, cost more than the most expensive fort of modern construction.

While, therefore, liberal appropriations are made annually for fortifications, there seems to be strong reason for appropriations of equal magnitude for the armament, when the fact is undeniable that a fort without its proper armament is worse than useless—an inert mass of expensive material, without power of attack or defense.

The heavy rifled guns recommended for trial by the board of officers convened under the provision of the act of Congress approved June 6, 1872, making an appropriation for "experiments and tests of heavy rifled ordnance," are now in process of manufacture. The delays incident to the preparations necessary for constructions of such novel character have had to be overcome; but it is believed that the four guns now being made will be completed and ready for trial during the winter. No doubts are entertained that much valuable information will result from the trials, which may possibly lead to the early adoption of a suitable rifle-gun of large caliber. Experiments on a large scale, with this end in view, have been prosecuted in other countries for years, and are still being conducted with persistent energy and skill and large expenditure of money; but a solution of this important question has not yet been reached—not one of such a satisfactory character as to make further expensive trials and experiments no longer necessary before final adoption.

It is respectfully recommended that an appropriation of \$75,000 be asked of Congress for the manufacture and trial of cast-iron 12-inch rifles for experimental purposes. The very great improvement in the character of our gunpowder recently made will justify such an expenditure for the purpose of determining definitely whether cast iron cannot be successfully used in the manufacture of guns of the largest caliber for efficient service. This recommendation is made in the spirit of judicious economy; for, if cast iron can be made as available for rifles as for smooth-bores, the cost of our guns will be thereby reduced at least one-half or two-thirds, as compared with wrought iron or steel constructions. The reason for this recommendation may be briefly stated as follows: Large-grain powder for heavy guns was first adopted by this Department in 1861, at a time when other nations continued the use of small-grain. This great improvement in the mode of manufacture was the result of careful study and experiment by the late General Rodman, who successfully used it in his first 15-inch gun. This, and his invention of the "perforated-cake" powder, which has been adopted by and is now in use in both Russia and Germany, and the "pebble" powder, similar to our "mammoth," adopted by England, created that revolution in the manufacture of gunpowder, based upon purely scientific principles of combustion and evolution of gases, that has enabled all nations to increase the size of their ordnance.

The necessity for strength in any gun construction depends upon the amount of strain that is brought upon it, and this strain is affected by the method and rate at which the gases are evolved in the burning of the powder-charge, and the rate at which the powder-space behind the shot is enlarged by the gradual movement of the shot through the bore. It is evident that if, by any proper manipulation of the powder in manufacture, the size and form and density of grain can be so determined and adjusted as to confine the strain within certain limits, the strength of the gun to resist such a strain need not reach the maximum requirements of steel, but may be found within the well-known capabilities of our best cast iron.

It must not be overlooked that the resistance of the projectile plays a no less important part in the development of strain in rifled guns, and this resistance becomes destructive when increased, either by the lack of uniformity in the expansion of the sabot in taking the grooves, or by its wedging in the gun from upsetting or breaking of the body of the projectile. It is believed, however, that the shot as now made will overcome these objections by the more perfect adjustment of the parts to the work to be performed, thus giving a uniform resistance to the efforts of the powder.

Recent trials from a 15-inch smooth-bore gun with a new experimental powder, with charges of 100 pounds of powder, and shot of 450 pounds, gave higher velocities with

greatly diminished pressures, and a degree of uniformity of action seldom attained by the ordinary granulated mammoth. Each grain or pellet of this powder was formed in dies by pressure. The experiments clearly indicated that it can be manufactured in large quantities, of a uniform quality.

No doubts are entertained that similar results will follow from its use in large rifles, that is, increased initial velocity with marked diminution of pressure. It is in view of these facts that this Bureau is desirous to test cast iron to its fullest extent by experiment, in the hope that it may lead to its practical utilization for the construction of heavy rifled guns.

Question. In the event of a foreign war, could earth-works be erected at most of the important points, instead of fortifications of masonry?

Answer. This question can be best answered by the engineers. But in case of emergency, earthen batteries could be readily prepared, provided wooden platforms had been previously made, and the heavy guns, and carriages and ammunition, are on hand. Guns and carriages cannot be purchased in market, and must, therefore, be made in advance, as they require time and money for their preparation.

Question. Please to suggest what your plan of fortifying important points on the sea-coast would be?

Answer. I think that permanent fortifications are a necessity; permanent works of stone, or other solid material, properly protected by earth. The next best thing would be earth-works for an emergency, and they are the cheapest, and most easily constructed.

Question. What would you do as to the armament?

Answer. We ought to have in our most important harbors, that have to be defended, a reserve supply of guns, carriages, ammunition, &c., prepared to be used at short notice, over and above the armament of our permanent works.

Question. What supply of guns of sufficient caliber have you on hand to meet an attack that might come from one of the first-class powers of the world?

Answer. We have actually on hand of heavy guns, such as can be used, not over 400 of the largest size, out of 1,659. The largest proportion of them are 10-inch smooth-bores, which are considered too small, and which are used in casemates into which the larger guns cannot be placed. As soon as a suitable rifle-gun is adopted, these smooth-bores will give way, because we can put probably a 9-inch rifle-gun to take its place. The casemate 10-inch smooth-bores are of no earthly use against iron-clads.

Question. Would not such guns be sufficient for such iron-clads as could get into our ports?

Answer. Not for any iron-clad that could enter New York Harbor, where we ought not to have guns of a less caliber than 10-inch rifle or 15-inch smooth-bore.

Question. Have you made any estimate as to the number of guns which we need for coast defense at the important points?

Answer. I submit a tabular statement, in which all the forts are named. The engineers give us the number of guns for those forts that have been determined upon. There are several, however, the armament of which has not been fully determined, so that the entire number for all the fortifications when completed has not yet been fixed. In order to supply the armament already determined upon, 2,200 guns will be required. Taking the 15-inch smooth-bore gun as the basis, (a 15-inch gun made of cast iron, which is the cheapest material,) with carriages and 100 rounds of ammunition, throwing out a good many incidents, the cost of moving the guns, and also leaving out a number of flank-defense howitzers and many sea-coast mortars, and taking the most

economical view of the case, the whole would cost the Government not less than \$33,000,000. The estimate is made on the basis of the 15-inch smooth-bores, because the armament is to be made up of 12-inch rifles, a far more costly gun, and of 13-inch smooth-bores and 10-inch rifles, which cost nearly as much. If the armament was to be made up of steel guns, it would probably cost \$100,000,000.

Question. Do you estimate that as the cost of arming the works now laid out and constructed?

Answer. No, sir; this only includes the armaments which have been determined. There are many forts the armament of which has not yet been fully determined. This number may, therefore, be largely increased hereafter. The number of guns which we require on the 1st of next July, on the basis of a 15-inch gun or its equivalent, is 863, besides 20 mortars and 634 flank-defense howitzers. These guns, with their carriages and 100 rounds of ammunition for each, will cost about \$13,000,000, and cast iron is the cheapest material for gun-construction that can be used. In other countries cast iron is used in combination with wrought iron or steel, by tubing with steel or wrought iron, and banding with steel rings and applying costly breech-loading arrangements, which add greatly to the expense. Built-up wrought-iron guns, as in England, are much more costly, and steel guns, as adopted on the continent, more costly still. We find that one 12-inch gun, with its carriage, would cost in Europe \$48,500 in gold, and can only be procured at the Krupp works in Essen, Prussia.

Question. The question has come up as to the propriety and advisability of constructing a national foundry and factory for heavy guns. What would such a foundry cost, with the shops connected with it?

Answer. That depends upon the material which is used in the construction of guns. If we determine on guns of cast iron, (which is the cheapest material,) the cost would be a great deal less, in plant, than for any other. I have never made any calculation on the subject; but if we were to get up a foundry, I presume it would cost over \$1,000,000, certainly.

Question. The very cheapest?

Answer. I should think so; that is, to get up a large Government establishment for that purpose.

Question. If one were built for the purpose of making the finest class of large guns, what would be the expense?

Answer. I cannot give the estimate, but it would run into millions.

Question. Do you think it advisable to have these guns made at private foundries and shops?

Answer. No, sir. I think that the Government should have control of this manufacture, and have works of its own. The European governments do so, and they have more experience in that line than we have. Even if the work is done at private foundries, we are obliged to have officers there to superintend. In making cast-iron guns, the very first thing is to get the proper iron, and such iron cannot be found in the markets, but must be specially made from well-selected ores that experience has proved will supply iron of the requisite tensile strength, specific gravity, &c. You will find, therefore, that the gun-founders have to depend on certain mines in order to get the proper iron. Then the proper method of treating the iron is the result of long experience. If you take an iron-foundry which has been used on other work, the men will fail egregiously at first in casting even a solid shot. The work is in the nature of a specialty. Unless the appropriations are extremely large, so as to keep the foundries at work all the time—and all the found-

deries desire a share—they will lose, after a time, their skilled labor. That labor has to be turned into other channels. But in a Government establishment, where a force can be kept constantly at work on small appropriations, this skilled labor can be very easily retained, and I think that better work can be turned out in the end. It is a fact conceded by every one that we are doing better work, for less money, at the Springfield Armory in the manufacture of small-arms than is done in any other establishment in America, for the simple reason that we have no profits to make, and, therefore, all the money which would go into profits goes toward making more perfect work. That question of a national foundry has been discussed by committees of Congress and by boards of officers for the last half century, but they have never come to any practical conclusion. I think that the proper method of establishing it would be, whenever an appropriation is made which will justify the expenditure of putting up plant for that purpose, to decide on one of our arsenals, and make our guns there.

Question. Have recent improvements in small-arms been so great as that you think the Government would be justified in manufacturing small-arms on an extensive scale?

Answer. I think so. We have determined now on the Springfield breech-loading gun. The board instituted to investigate that matter was organized under a law of Congress. It remained in session over six months, and tried every kind of small-arms presented, including the best European guns, altogether over 100 specimens of arms, and the result was the adoption for the military service of the Springfield breech-loader. I quote from my annual report as follows:

In our estimates for the next fiscal year, \$500,000 has been asked for continuing the manufacture of arms. This sum will not, with the material on hand, permit us to make more than 35,000 arms, a number the least that should be provided annually to meet current wants and possible future demands.

It is not presumable that the new system of breech-loader, selected after such exhaustive tests of all inventions brought before the board, will soon be superseded by any more valuable and efficient system; and it is a grave question of public policy, deserving serious consideration, whether the new arm that has been adopted after such intelligent and careful trial by a competent board ought not to be manufactured in such quantities for a reserve supply, in case of war, as will place us in this part of our national armament on a footing with other first-class powers.

In this connection, as bearing most vitally upon the effectiveness of the armed force of the nation in time of war, the wants of the whole body of the militia is again presented for legislative action. The annual appropriation of \$200,000 for arming and equipping the militia, fixed by the act of April 23, 1808, is entirely inadequate at the present time, with a population increased from eight to more than forty millions. As a consequence, some of the richer States of the Union have had to make appropriations of money to provide the arms, &c., necessary to supply such deficiency; although the intention of Congress, as expressed in the law of 1808, was that the money so appropriated should supply the "whole body of the militia." If \$200,000 was not deemed too much in 1808, when arms, &c., were cheap as compared with the improved and costly mechanism now admitted to be a necessity, surely an increase of the appropriation to \$1,000,000 is the least that is required to fully meet the wants of the "whole body of the militia," and carry out the expressed wishes of Congress.

It is believed that all issues of arms and other ordnance stores which were made by the War Department to the States and Territories between the 1st day of January, 1861, and the 9th day of April, 1865, under the act of April 23, 1808, and charged to the States and Territories, having been made for the maintenance and preservation of the Union, are properly chargeable to the United States, and the Secretary of War should be authorized to credit the several States and Territories with the sums charged to them respectively for arms and other ordnance stores which were issued to them between the aforementioned dates, and charged against their quotas under the law for arming and equipping the militia: Provided, That each State and Territory, before receiving credit for the issues charged to them, shall return the property to the Ordnance Department free of charge to the United States, or give satisfactory evidence to the Secretary of War that it was expended or otherwise disposed of in the public service during the rebellion. It is recommended that legislation to this effect be asked of Congress.

Question. What would one of the Springfield breech-loading guns cost?

Answer. The cost has not yet been determined, but they will probably cost somewhere between sixteen and eighteen dollars. The magazine-gun, I am inclined to think, will be the gun of the future.

Question. You mean a gun that will carry its ammunition in a magazine in its stock?

Answer. I mean a gun that will carry a few rounds in the magazine for a reserve supply, but will be ordinarily used as a single breech-loader; the soldier knowing, however, that he has a reserve in the gun to depend upon in case of emergency.

Question. If we are to come to that at last would it not be bad policy for us to manufacture a large quantity of the present model?

Answer. We may not come to that for a good many years. This is a matter which requires a good deal of study and inventive skill, and from the slow progress which these things necessarily make, I think we can hardly look for such a satisfactory result, even if we ever reach it, within the next ten years; meanwhile I am entirely satisfied that we should go on in the manufacture of the Springfield breech-loader. I do not think that as a single breech-loader we will ever get anything that will be much superior to it. It has been tried in the field most extensively, and has given entire satisfaction to the soldiers. Its manufacture in large quantities is a matter of public policy, to be decided by Congress, but the experience and practice of all nations point to an affirmative decision. We have several hundred thousand Springfield muzzle-loading guns, but the soldiers will not have anything but the best breech-loader, and should of right be as well armed as the soldiers of other nations. We tried to alter these muzzle-loading guns to breech-loading, in the spirit of economy, but found in the end that little was saved. The caliber first adopted was a half inch, but now it has been reduced to .45". All the nations on the European continent have reduced the caliber of their guns, as giving better results, and lessening the weight of the ammunition. The ammunition is made at Frankford arsenal, the only Government cartridge factory we have. In Europe they are trying to manufacture this metallic ammunition as we make it here, but their machinery had to be procured in this country. They got some, under authority from the War Department, from the arsenal at Frankford. Some sets of cartridge machinery were sent from there to Russia; some to Denmark, and some to Sweden and Norway. With a perfect cartridge any good breech-loading gun will work; but cartridges are expensive, and to make good marksmen of the soldiers much of the expensive metallic ammunition must be expended in target practice. Reference is made to this fact because our appropriations are inadequate to supply the requisite amount for this essential purpose. We get an appropriation every year of about \$125,000 to make ammunition, which will provide 5,000,000 cartridges only. In order to make the best use of an arm like the Springfield breech-loading musket, the soldier should be provided with sufficient ammunition to make himself a good marksman. Allowing him ten cartridges a month is not at all sufficient, but ten a month is 120 rounds a year for each of 30,000 men in the Army, making a total of over three and a half millions of cartridges a year to teach the men, leaving but 1,500,000, or 50 to each man, during the year for any war-like operations, and no possibility for a reserve supply.

Question. How rapidly can this ammunition be made?

Answer. At the Frankford arsenal they can very easily turn out 100,000 cartridges a day. It depends on the quantity of machinery.

By Mr. MACDOUGALL:

Question. The most expensive thing about the cartridge is the shell, is it not?

Answer. Yes, sir.

Question. Could you not have the shells refilled?

Answer. Our Army is scattered all over the continent, and it would cost quite as much to bring the empty shells, after they are collected, to the arsenal to fill and to return them as they cost originally. And even if the soldiers were able to refill the cartridges they would have to be supplied with certain little appliances that would cost a good deal in the aggregate, besides the powder, bullets, &c., all of which would have to be transported.

By the CHAIRMAN:

Question. How long will this ammunition last?

Answer. I do not see why it should not last a good many years, but we have not the experience of time to decide the question.

Question. I suppose you have subjected it to certain tests?

Answer. Yes. From the first that were made by me in 1867, and which were rather imperfect, from every month's manufacture a box was put away, some of the cartridges in damp cellars; and frequent tests made after several years showed that the cartridge was about as good as ever. Their cost in Government shops is \$26 a thousand for metallic ammunition, but private manufacturers charge from \$33 to \$35 a thousand.

Question. What did the old paper cartridges cost per thousand?

Answer. They cost anywhere from \$12 to \$13 a thousand.

Question. So that this metallic ammunition costs a little more than double?

Answer. Yes. Another matter: I notice that the appropriation for sea-coast carriages has been cut down. The necessities of the service require the original amount of \$200,000 in order to alter our gun-carriages for the sea-coast defenses. When General Rodman first made his 15-inch gun, which was the largest gun then in existence, its charge was fixed at 30 to 60 pounds of powder and a shell. But the introduction of iron-clads in warfare has necessitated the use of heavy battering charges of 100 pounds of powder and a solid shot. The use of such heavy charges developed a great difficulty, and that was, that we could not hold the gun that fired it, without introducing some appliance to absorb the recoil. After much experiment the Department has adopted two air-cylinders, (pneumatic buffers,) to absorb the recoil.

Prior to using these appliances, the engineers found great difficulty in making platforms strong enough. The shock was so great as not only to break the pintle, but to shatter the platform itself, but by means of these air-cylinders all that difficulty is removed. It costs \$1,400, however, to apply these cylinders to one gun-carriage; so that it makes the gun-carriage itself, with the cylinders, for a 15-inch gun cost about \$4,000. A great many of the carriages are not provided with these cylinders, because at the time they were made the gun was only intended to use a small charge of powder.

The appropriation asked for is therefore absolutely necessary, and ought not to be reduced.

A short time since, when trouble with a foreign power seemed imminent, the placing of our armaments in proper condition was of great importance, and one of the difficulties was that we had to make provision for providing these gun-carriages with these cylinders, so as to be able

to use battering charges. We have officers stationed at different sections of the sea-coast on duty, perfecting the armaments, placing the carriages in position, mounting guns, &c. It is a very expensive and troublesome business, and I do not think that as a rule the amount of money required to utilize and manage these heavy masses of iron, and the cost that is necessarily incurred, is properly appreciated.

By Mr. GUNCKEL :

Question. What was your estimate for that purpose and what has been the reduction by the Committee on Appropriations ?

Answer. We asked for \$200,000, but the Committee on Appropriations has thrown it in with some other items, so that I think they do not allow us more than \$25,000 for the carriages.

Question. What other reductions does the Committee on Appropriations make, to which you object ?

Answer. The principal one is \$500,000 to manufacture arms, which has been cut down to \$100,000. We ought to have the whole amount. I think the committee has reduced all the appropriations too much. There is not an item there that is not absolutely necessary ; whether you decrease the Army or increase it, it does not make a particle of difference.

By the CHAIRMAN :

Question. Something has been said in regard to selling or abolishing certain arsenals. Has your attention been directed to it ?

Answer. Yes.

Question. What have you to say as to the policy of selling out arsenals or consolidating them, or continuing the present plan of having arsenals of deposit and manufacture all over the country ?

Answer. The original practice of the Government was to establish an arsenal in almost every State, but the expense of keeping up these arsenals is considerable—much more than is supposed. If the small appropriations for manufactures are divided among the different arsenals, it costs a great deal more for manufacture, and preservation, and storage than it would if the work was concentrated. A year ago about \$200,000 was estimated for the care and preservation of the arsenals, and I gave the whole amount in detail. The committee would not make that appropriation, but gave only \$50,000 in bulk. Now, there seems to be no doubt that if we had a large arsenal on the Atlantic, with the Rock Island arsenal in the Mississippi Valley, and an arsenal at Benicia, Cal., as the manufacturing arsenals, all the work could be concentrated there, and we could work with much greater economy and efficiency, and give greater satisfaction to the Army and country. In regard to having arsenals of deposit at other places in addition, it is for Congress to decide ; but I think there is every good reason in favor of concentration of work in the interest of economy and perfection of product.

Question. Would you abolish the Frankford arsenal and the Watertown and Watervliet arsenals ?

Answer. That depends upon the policy to be adopted. The establishment of one great arsenal on the Atlantic coast, as recommended by Mr. Stanton in 1862, would dispense with these smaller arsenals as manufacturing ones.

Question. Would it not cost immensely to remove these arsenals ?

Answer. Not if these old arsenals were sold and the money applied to one grand arsenal.

Question. Is not the cost of keeping such an arsenal as the Columbus arsenal comparatively small?

Answer. Yes; the expense is merely in keeping it in care and preservation. I suppose it does not amount to more than \$5,000 or \$10,000 a year.

Question. The rise of value in real estate would be more than that?

Answer. Yes.

By Mr. GUNCKEL:

Question. Is there any manufacturing done at Columbus or Saint Louis arsenals?

Answer. No, sir.

By the CHAIRMAN:

Question. Then the concentration would operate upon those arsenals at Frankford, Springfield, Watertown, and Watervliet?

Answer. Yes; we could sell those arsenals and build a large one with the proceeds, or else decide upon one or more arsenals and concentrate the work thereat.

Question. Is there not an arsenal at Pittsburgh, too?

Answer. Yes; we do nothing there.

By Mr. GUNCKEL:

Question. Has there not been a proposition to give away or sell that one at Pittsburgh?

Answer. Yes; I think Mr. Negley introduced a bill to that effect a year or two ago.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 10, 1874.

SIR: Replying to your letter of the 7th instant, I am instructed by the Chief of Ordnance to report that the number of enlisted men employed upon extra duty in the Ordnance Department is thirteen—ten as clerks at 35 cents per day, and three as messengers at 20 cents per day, in addition to their regular Army pay.

The following statement shows the number of civil employes in the Ordnance Department, with the several occupations in which they are employed, and their total monthly pay, viz:

Occupation.	Number.	Total monthly pay.
Clerks	74	\$7,060 85
Master armorer	1	125 00
Master workmen	21	2,526 37
Foremen	26	2,581 86
Assistant foremen	18	1,336 29
Mechanics	855	52,480 85
Laborers	725	26,003 27
Total	1,720	92,114 49

Very respectfully, your obedient servant,

S. V. BENÉT,
Major of Ordnance.

Hon. JOHN COBURN,
Chairman Military Committee House of Representatives,
Washington, D. C.

7 M E

WASHINGTON, D. C., *January 10, 1874.*

Hon. COLUMBUS DELANO, Secretary of the Interior, appeared before the committee, in response to its invitation.

The CHAIRMAN. We sent for you, Mr. Secretary, to consult with you in regard to the reduction of the military establishment, in view of the fact that you have charge of, and are responsible for, Indian affairs in your Department. We desire to have your opinion on this subject. Can you state what amount of military force is needed, hereafter, in connection with the Indian Department?

Secretary DELANO. I do not think that I can give the committee any statement of facts in regard to the military force required throughout the country, or that I am competent to express any justifiable opinion in regard to what that force should be. All the information touching the condition of the Indians, their numbers, their disposition, &c., bearing on the question of the necessary military aid in subjugating them to the present policy of the Government, I can give you, and leave the committee to draw its own conclusions touching the military establishment.

The CHAIRMAN. State then, in brief, the condition of the Indian tribes in this country, that require the presence of a military force, their disposition in regard to peace or war, or in regard to mischief toward the whites.

Secretary DELANO. There are few Indians under the charge of the Government in Wisconsin or Michigan. The great bulk of the Indians, in charge of the Government, are located between a line embracing Minnesota and Washington Territory east and west, and a line separating the United States from the British possessions on the north, and a line separating the United States from Mexico on the south. Very few are in Iowa and none in Missouri. All the rest of the country, embraced within these general limits, is more or less dotted with Indian settlements and Indian tribes, all of which are now under the charge of the Government. The most troublesome and warlike Indians are located in the country lying west of the line separating Dakota from Minnesota, extending from the summit of the Rocky Mountains and coming south as far as the line of the North Platte, together with that portion of them located in Indian Territory, New Mexico, and Arizona. No great danger of violence, I think, is to be anticipated from the Indians not embraced within these two latter descriptions of territory. The first section embracing hostile Indians, lying east of the Rocky Mountain Range, and north of the North Platte, embraces a great number of tribes, among which there are a number not hostile, such as the Crows, Gros Ventres, Rees, Mandans, and others; but the bulk of the Indians, in that region of country, may be denominated as Sioux Indians. They have been heretofore very troublesome. They are a hardy and sturdy race of people, and perhaps more troublesome, when we have war with them, than any other nation. The largest portion of them now is under feeding arrangements with the Government; but there are one or two bands which are yet outside of our feeding arrangements, so to speak, and which have not come to agencies or reservations. There will be for some time to come very considerable danger of disturbance in this northern region of country, because these bands of Sioux are wild and warlike, and will only consent to the adoption of the present peace policy of going on to reservations and of abandoning their nomadic habits and their life of subsistence by hunting, when they are convinced that they will be compelled to do it. It is the policy of the Government—and that policy is being made known to the Indians—that they must come on to



reservations and stay on the reservations, and that in that case they will have the aid of the Government, and that in case of their refusal so to do, and of their committing depredations on the white settlements or white men, they will be punished. It is necessary to have a military force sufficiently strong to convince the Indians that they are to submit to that policy, but I express no opinion as to what that force should be. I fear as much danger of conflicts with the Indians in this northern section, as with the Indians in any other section of the country, and I feel that a conflict with them would be more troublesome to the Government than with any other tribe or nation.

The CHAIRMAN. Can you state what proportion of the Sioux Nation has come within this feeding arrangement of which you have spoken?

Secretary DELANO. The largest portion of them are now under the influence of what may be called the peace policy, and are being fed at Red Cloud, Grand River and Spotted Tail agencies, and the remaining hands are constantly coming to these agencies, and increasing the number which we have to feed, and the tendency is in the direction of the ultimate subjection of all to this policy. But I want to qualify this by saying that the withdrawal of military force would, in my opinion, weaken this tendency, if it did not destroy it.

The CHAIRMAN. What number of the Sioux have consented to go on reservations?

Secretary DELANO. Really, the Sioux that are warlike have none of them yet thoroughly consented to go on their reservations. We have what is called the great Sioux reservation, which was established by the treaty of 1868. That treaty provided that the Territory of Nebraska, lying north of the North Platte, should be, for the time being, regarded as Indian country, and that these Indians should have the privilege of hunting on the Smoky Hill Fork of the Platte River; and these Indians, though congregated now largely at the Spotted Tail, Grand River, and Red Cloud agencies, exercise, under the privileges of that treaty, the right to hunt on the Smoky Hill Fork, and have refused, on my application this summer, to consent to a modification of that treaty which should surrender that portion of Territory set apart for them as hunting-grounds in Nebraska, north of the North Platte. This surrender ought to be accomplished, as the settlement of the country requires that that portion of Nebraska should be surveyed and brought into market. I doubt not that very soon we shall be able to arrange with them amicably to modify that treaty so as to abandon their right of hunting on Smoky Hill Fork. The game is so far exhausted there and the settlement of the country for grazing purposes, by large herds of cattle in the hands of white men, is going on so fast, that it ought to exclude the Indians from the privileges of hunting there, and the Department will accomplish these two things as speedily as possible.

The CHAIRMAN. Are the means of independent subsistence by hunting and fishing diminishing very rapidly?

Secretary DELANO. Yes, sir; the buffalo are disappearing rapidly, but not faster than I desire. I regard the destruction of such game as Indians subsist upon as facilitating the policy of the Government, of destroying their hunting habits, coercing them on reservations, and compelling them to begin to adopt the habits of civilization.

The CHAIRMAN. Have you had the presence, so far, of sufficient military force to aid you in all the efforts which you have made?

Secretary DELANO. Yes, sir.

The CHAIRMAN. So far you have required no more force than you have had?

Secretary DELANO. No more than we have had.

The CHAIRMAN. Last summer a military expedition of some two thousand men was fitted out on the line of the Northern Pacific Railroad, west of the Missouri River. Was that expedition necessary, under the circumstances, to keep off hostile Indians, or was that country safe for travel and transit without the presence of such a large military force?

Secretary DELANO. That military expedition was undertaken at the earnest request of highly respectable and influential citizens, who expressed the opinion, and doubtless entertained, earnestly and perhaps properly, the belief that some of these bands of Sioux, that have not come in among Spotted Tail's and Red Cloud's men, would give trouble to the persons engaged in the construction of the Northern Pacific Railroad, and the opinion was honestly entertained, and I think justified by apparently existing circumstances, that the expedition was necessary. Subsequent events have led me to doubt, in my own mind, whether that was not a mistaken opinion in regard to danger, and whether probably it might not have been better to have omitted the expedition.

Mr. GUNCKEL. In part, or in whole?

Secretary DELANO. In part, at least. I am inclined to think that the rumors brought in by frontiersmen overstated the danger, and that the parties interested in the railroad were more strongly impressed with the danger than the facts really justified. My impression is that the military force south of this line of danger is about as well placed as it can be. I have had occasion to examine that subject.

Mr. GUNCKEL. And, in your opinion, the force there is necessary at this time?

Secretary DELANO. Yes, sir.

The CHAIRMAN. Would you say that any more force than you have there is necessary?

Secretary DELANO. Not if I am correctly informed as to the force which is there. The exact condition of the several military stations, and the forces at them, I am not as able to give as an officer in the Army would be.

The CHAIRMAN. From reports received from the agents of your Department, do you feel any apprehensions from a lack of military force?

Secretary DELANO. No, sir; not at present.

The CHAIRMAN. Have you any recent information from that region of such a nature as would lead you to believe that hostility or mischief to the settlers or danger to the Indians is imminent?

Secretary DELANO. At the present moment, and always at this season of the year, Indians are in repose; everything is quiet. It is not the season of the year for their movements. I shall feel some apprehension next spring, when the Indians begin to move, especially if there is any lack of ability in the Indian Department to comply with the treaty stipulations in feeding them.

The CHAIRMAN. Would you say that if the Indians were well fed and clothed, that would be the best preventative of hostilities?

Secretary DELANO. I have no doubt that that is the best way of preventing Indian hostilities. It should always be accompanied with just treatment to them, and under circumstances to impress them with its justice, and it should also be accompanied with information to them of the ability of the Government to punish them if they do not behave themselves.

Mr. ALBRIGHT. Then the feeding and supplying of the Indians

ought to be, in a measure, accompanied with a force to compel obedience if they violate the treaty stipulations?

Secretary DELANO. That I consider necessary until the wild tribes are all compelled to accept reservations and to begin to adopt the habits of civilization.

Mr. MACDOUGALL. Do you find the Indians pretty generally inclined to live up to treaty stipulations themselves?

Secretary DELANO. Yes, sir. Of course Indians are ignorant. They do not always get correct ideas of their treaties, and we frequently have difficulty in explaining to them and making known to them exactly what they have consented to. But, in my experience, when you have made an Indian understand that he has made an agreement, he will comply with it, especially if you are prepared to show that you will punish him if he does not.

The next region of difficulty with the Indians is in the southern portion of the United States, ranging from the western line of the State of Texas to the western line of the Territory of Arizona, and embracing all the region of country between the two as far north as the southern line of Kansas and Colorado, and, indeed, including a strip from the western part of Colorado. But the principal trouble in this region of country is with the Comanches and Cheyennes in the Indian Territory and New Mexico, and with the Apaches in Arizona. The Apaches in Arizona are pretty well in hand, by a steady pursuit of the policy to which I have alluded, namely, the use of military force when necessary, and a notification to the Indians of the peaceable policy of the Government if they ceased war. We have, in a great measure, brought all the Apaches on to reservations, and among them one of the most ferocious and war-like Indians that the nation ever had—Cochise. We have some trouble there yet. Roving Indians will get off the reservations and will go over the line into Mexico, and that is causing some correspondence between this Government and Mexico. But even that is growing better, and, I think, will soon be overcome. The policy of using, judiciously, military force in connection with the present peace policy made manifest to the Indians themselves, has had, in my judgment, as great a demonstration of its utility in Arizona as in any other locality of the country.

I will now speak of the troubles with the Comanches and Cheyennes. They are in the Indian Territory and New Mexico. They are making raids into Texas and causing a good deal of disturbance there. It is claimed that other tribes, the Arapahoes and others, also make these raids, but my conviction is that there is false information on this subject, because, not long since, we pursued a band of supposed Indians making raids, and found, when we captured them, that it was a body of disguised white men who were plundering in the guise of Indians. I do not mean by that to say that there are no raids by Indians, but I mean to intimate that they are not all made by Indians. But the Comanches and Cheyennes are troublesome Indians, and this country is in such a condition as to require military force there in aid of the present policy of the Government. In my judgment, it would be disastrous to withdraw it.

Mr. GUNCKEL. You think the military should be in as strong force there as they are now?

Secretary DELANO. I think so. I do not think there can be any diminution of the force there with safety to the best interests of the country, largely and fully considered.

The CHAIRMAN. To what extent of country does that remark apply—to the posts in the Indian Territory and Texas?

Secretary DELANO. Yes; and in New Mexico.

The CHAIRMAN. Have you any use for troops in California, so far as the Indian tribes are concerned?

Secretary DELANO. I do not think we have.

Mr. ALBRIGHT. Do you recollect the Indians in Round Valley?

Secretary DELANO. Yes, sir.

Mr. ALBRIGHT. Is not a military post there necessary to protect them and to see that they are not imposed upon by the whites? Does not the military subserve that purpose there?

Secretary DELANO. I do not know but I should say yes, on reflection, to that question. Not a strong post. It simply wants a very small number of troops. I do not know that the time has quite arrived for abolishing the post so far as the Indians are concerned.

The CHAIRMAN. Are there any hostile Indians in Oregon?

Secretary DELANO. We have not any information of hostile dispositions among the Indians in Oregon. I do not know exactly what military force there is there. I should not deem it necessary to keep much force there, but I would not say that a post here and there, with a small body of troops, might not be a very wise precaution.

Take the line of the Sierra Nevadas down to the mouth of the Colorado River, following up the Colorado River, and including the northern portion of the Ute reservation in the Territory of Colorado, and then extending north far enough to include the Fort Hall reservation, and then west into the Sierra Nevada Mountain range—probably along or about the south line of Oregon—there is a body of Indians scattered about through all that basin. There are some seven agencies there now. The Indians are all homogeneous; they are all peaceable; they are disposed to the pursuits of agriculture; they are, as far as Indians can be, inoffensive—that is, they are not disposed to commit violence. For this body of Indians we have no need of much military force. The number of Indians in that basin is estimated at from 10,000 to 20,000. I am inclined to think that 20,000 is an overestimate. They are now under the care of the Government.

Mr. ALBRIGHT. If they were on reservations, would you not have a military force there to keep the Indians within and the white men without?

Secretary DELANO. There is so little land in that great basin that is adapted to cultivation that I scarcely think that much military force would be required to keep white people off the reservation.

Mr. ALBRIGHT. Would it not be, in your judgment, advisable to encourage the Indians to raise supplies that could be sold at these military posts?

Secretary DELANO. By all means. It is a part of our policy to bring them to habits of industry as fast as possible.

Mr. MACDOUGALL. Is it not your idea to get these Indians on reservations?

Secretary DELANO. On not over four reservations in that basin. They are now on seven; and a great many of them are not on any. They are peaceable, but it is desirable to take them away from the valleys where white people would go, and it is desirable to get them on reservations so as to get them into that system of treating Indians which the Government is pursuing.

There are a considerable number of Indians in the south part of California, west of the Sierra Nevada, called Mission Indians, who used to be under Mexican management and Catholic treatment. They have learned considerable of agricultural industry, and are, in a great meas-

ure, now without protection. They are subject, I think, to considerable injustice from the white settlers, who are desirous to get the pleasant valleys in which these Indians are located. The Indians are entirely peaceful, and unless they are greatly outraged there is no danger of any disturbance from them. I do not know that there is any necessity for military forces there, at least at present, and never will be, unless it is to protect them.

The CHAIRMAN. Do you find any necessity for the use of military force at any post east of the Missouri River?

Secretary DELANO. East of the Missouri River I should say no; along the Missouri I should say yes, because it is more or less connected with the Sionx country, which I have described.

The CHAIRMAN. You regard, then, the two great centers of difficulties to be the Sioux Nation and this region of Comanches and Cheyennes in the south?

Secretary DELANO. Yes, sir.

The CHAIRMAN. Would it be possible for the hostile Indians in these two regions to be concentrated somewhere, so that the presence of a small force only would be needed?

Secretary DELANO. That concentration is going on as fast as the Department can effect it. That is what we are aiming at. The fact is, and I desire to call the attention of the committee to it, that the whole Indian population in the territory which I have described is now brought face to face with the progress of the frontier population and the settlement of the country. There is no longer any unoccupied territory into which we can turn a troublesome tribe or nation of Indians and leave them to roam or hunt there. But we have got to meet everywhere the question of handling the Indians. The construction of railroads and the tide of immigration, created by the increase of population in the country, has brought on the Government the necessity of taking care of the Indians over this entire region of country, extending from the northwest corner of Washington Territory to the Gulf of Mexico and from the Mexican boundary to the boundary which divides us from the British possessions. The dangerous spots in it I have pointed out.

The CHAIRMAN. Do you think there is a large portion of the Indian tribes that can be managed without the presence of military force?

Secretary DELANO. Almost all the country can be managed without the presence of much military force, except the two dangerous regions which I have described. Yet there may be several places where small garrisons ought to be kept for a while longer.

The CHAIRMAN. The question has been asked whether—the presence of military force being necessary—it would not be better to give the Army the entire management of the Indians; and, in view of that proposition I ask you to separate from the troublesome portions of the Indian tribes those who are not troublesome, so that we can have a clearer view of how much is managed almost exclusively by the Indian Department, aside from the military. I will ask you, how many of the tribes in the present Indian Territory can be said to be managed without the intervention of the military authorities?

Secretary DELANO. I will repeat substantially what I said before, that no great military force is required in the management of the Indians except in the two regions to which I have invited your attention, one in the Sioux region and the other that portion of country lying south of the southern line of Kansas, and Colorado, including a part of Colorado and east of the western boundary of Arizona, running through into the Gulf of Mexico, because Texas is implicated in these difficulties.

The CHAIRMAN. What has been the progress made by the Indian Department in bringing into peaceful relations with the Government the Indian tribes under the present management?

Secretary DELANO. Very great progress has been made at different points and with different tribes. For example, great progress has been made in what may be called the Sioux region of country. Equally encouraging progress has been made among the Apaches of Arizona, and considerable progress has been made in New Mexico and the Indian Territory; and I feel authorized to say that, everywhere, a better state of feeling and a better temper among the Indians toward the Government is manifested. Of course, I do not mean by that to say that there is no danger of future difficulties.

Mr. ALBRIGHT. Would not the withdrawal or weakening of military force have a tendency to impair the present peace policy, and in view of a possible war with either the Sioux or Comanche Indians, increase the expenses of the Government?

Secretary DELANO. My want of positive and detailed knowledge as to the present strength of the Army and as to its availability for the necessary co-operation in the management of the Indians must make my answer hypothetical. I therefore say that a withdrawal of the present military force used for the purpose of preventing Indian depredations or punishing Indians for outrages which they have committed, or the weakening of such force to the extent of creating a feeling among the Indians that the Government is unable to punish them, would have a strong tendency to endanger our present peaceable relations with the Indians, and to bring on conflicts which might lead to serious war with some of the powerful tribes.

Mr. ALBRIGHT. Does the military assist you in supplying the Indians with their allowances?

Secretary DELANO. No; they do not assist us.

Mr. ALBRIGHT. Do they not furnish you with escorts and transportation of supplies?

Secretary DELANO. They furnish us the escorts which are necessary, and when it is necessary they furnish us with transportation. It is only in cases of emergency that they are called upon for transportation.

Mr. MACDOUGALL. Your supplies are not transported to the various Indian posts by Government teams?

Secretary DELANO. No, sir. They are transported under contract with the Indian Office.

The CHAIRMAN. Can you tell the comparative cost of the transportation—whether you get your supplies as cheaply hauled as the Quartermaster's Department does?

Secretary DELANO. The Indian Office informs me that we have made more favorable contracts last year than the military. I have never compared the figures myself.

The CHAIRMAN. Are there any hostile Indians in Washington Territory?

Secretary DELANO. No, sir.

The CHAIRMAN. Are there any in Idaho?

Secretary DELANO. No, sir.

The CHAIRMAN. What information have you as to the Indians being armed or unarmed, and with what arms, and whether recently armed or not?

Secretary DELANO. I have been informed that the Sioux Indians are in possession of arms—a great many of them arms of modern manufacture. I have taken all the steps in my power, through the Indian Bu-

reau, to prevent the distribution of arms among them, and to ascertain how they have obtained those that they have. I am led to believe that Indian traders and military-post traders have very frequently been guilty of smuggling arms among the Indians, and we are taking all the steps in our power to prevent it.

Mr. ALBRIGHT. If the policy toward the Indians which is now practiced be persisted in, is it your opinion that they will be brought completely under a civilizing influence?

Secretary DELANO. It is, undoubtedly, and that within a very short period of time.

Mr. ALBRIGHT. Your policy embraces the instruction of the Indians?

Secretary DELANO. The present policy aims to embrace all the instruction connected with Christian civilization, including education, moral and religious training, instruction in agriculture, and in works of art, so fast as such instruction can be given; and, in aid of that policy, we have now the co-operation of all the religious denominations in the country. The agencies are apportioned to these religious organizations, and they aim to nominate as agents, persons who are capable and willing to carry out the policy which I have described, and I feel at liberty to say that the progress of the work gives sufficient encouragement to justify me in believing that it ought to be continued.

Mr. ALBRIGHT. Are the expenses increasing or lessening from year to year under this policy?

Secretary DELANO. I am not able to give the figures, except that my own opinion is, that there has been some increase, necessitated by the fact to which I have already alluded, namely, that all the Indians in the country are now under the management of the Government, and are under the influence of that policy. I should expect, therefore, that some increase of expenses would be required till the policy has in some measure perfected the condition of the Indians, and given them the means and taught them the ability of self-subsistence.

Mr. ALBRIGHT. Are the Indians supplied through your Department with agricultural implements?

Secretary DELANO. Wherever treaty stipulations or acts of appropriation justify us in such expenditures and where we find the Indians in a condition to justify it we furnish them with agricultural implements.

Mr. GUNCKEL. Give your opinion generally, whether an increase of daily service of department clerks would or would not prove a real economy to the Government.

Secretary DELANO. I am not quite prepared to recommend a change of the system which has been adopted for a long time and generally practiced in all the Departments of the Government; but if it was an original subject, and in my province to introduce a system, I would require clerks to report at 8 o'clock in the morning, would give them an hour intermission after 12 o'clock, and would close the Departments at 5 o'clock; but I would increase the pay.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., January 10, 1874.

SIR: In reply to your communication of the 7th instant, I have the honor to submit the following statement of the number of enlisted men employed on extra duty and the number of civil employes in the Medical Department, with their total monthly pay.

The number of enlisted men employed on extra duty is as follows: 165 hospital stewards on duty as clerks in the Medical Department, mainly engaged in the record and pension division of this office in examining the books of closed general hospitals and other records, to ascertain the cause of death or discharge from service and hospital history of soldiers who died or were disabled during the rebellion, in order that evidence may be furnished in answer to the inquiries made by the Commissioner of Pensions, Adjutant-General and Paymaster-General, by members of Congress, and others; 9 hospital stewards on duty as clerks in Lieut. Col. Baxter's office, compiling medical statistics of the late Provost-Marshal-General's Bureau; 2 hospital stewards on duty as clerks at the United States Army Dispensary; 1 hospital steward on duty as clerk at the Freedmen's Hospital; 24 privates, general service, United States Army, on duty as messengers, and 6 privates on duty as watchmen, in the Medical Department; 3 privates on duty as messengers at United States Army Dispensary; and 1 private on duty as messenger in Lieut. Col. Baxter's office. Their total monthly pay for December, 1873, was \$21,550.89.

In addition to the above there are 25 hospital stewards on duty as clerks in Medical Director's office, at the headquarters of the several military departments, purveying depots, &c., whose monthly pay cannot be computed at this Office, as it is not known what part of their allowances, if any, is commuted, or what furnished in kind. The hospital stewards herein mentioned are appointed under the provisions of section 17 of the act of July 28, 1866.

There are enlisted men employed on extra duty as cooks and nurses in the post hospitals throughout the country, of whom no returns are made to this Office, and cannot therefore be included in this statement.

The number of civil employes is as follows: 12 civilian clerks, 1 messenger, and 1 laborer in the Surgeon-General's Office; 173 physicians, employed under contract at various stations throughout the country; 2 apothecaries, 1 engineer, 1 carpenter, 1 engraver, 1 photographer, 13 clerks, 2 messengers, 15 laborers, and 9 packers. Their total monthly pay is \$25,188.74.

Very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General.

Hon. JOHN COBURN, M. C.,

Chairman Committee on Military Affairs, House of Representatives.

WASHINGTON, D. C., *January 12, 1872.*

Bvt. Maj. Gen. ANDREW A. HUMPHREYS, Chief of Engineers, appeared before the committee to give information regarding the engineer branch of the service. He was interrogated as follows:

Question. What items in the Army appropriation bill of the last Congress would be unaffected by a reduction or increase of the Army?

Answer. I do not perceive any items in the Army appropriation bills of the last Congress, which concerns the engineers, that would have been unaffected by a reduction or increase of the Army, except the item of \$1,000 for purchase of siege and mining material and photographic apparatus, and \$5,000 for the erection of a chapel at Willet's Point; but perhaps even the last item would not have remained unaffected. It is

to be remarked, however, that the nature of the legislation reducing or increasing the Army must affect this question.

Question. What are the items independent of the number of the Army in the last two acts of Army appropriation?

Answer. So far as the bills affect the engineer service, the two small items I have mentioned are so; this reply being subject to the same qualifying remark as the first.

Question. What fortifications or works of defense, now in process of construction, should be completed?

Answer. All the works of defense now in process of construction should be completed. First in order of time, those for the defense of the great commercial and great strategic harbors of the United States. When they are in a suitable condition of defense, the nearly-finished works covering rivers and harbors of secondary importance, but protecting many large towns and wealthy communities, should be finished, since they require but little more expenditure to complete them; and in the event of war, defensive works for their protection would be needed.

Question. In what important places liable to attack can earth-works of a temporary nature be substituted for regular fortifications?

Answer. Earth-works have always formed part of the regular sea-coast fortifications, being formerly adjuncts to the casemated masonry structures. Owing to the change that has taken place in the size and power of naval and sea-coast artillery, the earth-works we are now constructing are of such great dimensions, and require such masses of masonry for the interior of the magazines and traverses and parados, and for the platform and the interior wall, (called the breast-height,) which allows the gun-carriage to come close up to the parapet, that they require a long time for their construction, and cannot be erected in time for use when hostilities are imminent. But the open or barbette battery, which would be exposed in some measure to curved fire of shot and shell from an armored fleet, is not by itself a sufficient fortification. There must be for every great harbor some guns in casemate, which gives complete protection to guns and gunners. That casemate fire must be secured either by placing an iron shield in some of the casemates of existing masonry-works, or by erecting iron scarps or shields or turrets outside of the fort. The accessories to fortifications essential to a successful defense I will mention in another place. Earth-works of a temporary nature cannot, therefore, be substituted for regular sea-coast fortifications at any important places. For such subordinate harbors as can only be approached by the small naval or predatory vessels, temporary earth-works thrown up at the time will answer.

Question. Are the present works of defense made of stone capable of resisting the heavy artillery that may be brought to bear against them?

Answer. This question seems to imply that the present works of defense are solely of masonry. But that is a misapprehension. We have not been building any masonry forts since 1866. What we have been doing, and are now doing, is modifying the barbette portions of the masonry works, whenever it can be done without excessive expenditure, so as to place the heaviest artillery on them, and we do this by constructing massive parapets of sand with traverses of the same material between the guns, furnished with magazine-chambers, and putting up parados of the same material, whenever it is necessary, to give protection against reverse fire. At the same time we are modifying the existing earthen barbette batteries outside of the masonry works by thickening their parapets with sand or other earth, by increasing the num-

ber, size, and thickness of the magazine traverses, and by putting up parados of earth with passage-ways through them. We have also been extending these outside earthen batteries, and putting up other additional ones of the same character.

Now, all these modified, extended, and new barbette batteries are built strong enough to resist the fire of the heaviest artillery from armored ships, and are prepared to mount guns of not less power than the 15-inch smooth-bore.

The scarp or front wall of the existing masonry works requires to be strengthened by placing an iron shield around the embrasure of the casemate to enable it to resist the heaviest artillery that could be brought against it by armored ships. But this modification we have not made.

It may not be altogether out of place here to recall to your recollection the contest between Fort Sumter and our iron-clad fleet. The latter had some 15 and 11 inch guns, but the fort remained unharmed, although it was an old work and not near so strongly built as the newer casemated works like Fort Delaware, Fort Wadsworth, and others of the new construction. The armament of the fort was inferior, its largest guns being 10-inch Columbiads, a weak gun, intended for use with shells against wooden vessels, and a few Brook rifles carrying shot of about 125 pounds. Yet about one-half the iron-clads were crippled, and Admiral Dupont stated that if he had not withdrawn, but had continued the contest thirty minutes longer, his remaining vessels would have been crippled. The contest was never again seriously renewed. On the other hand, if Fort Fisher, which was taken by a combined attack of fleet and troops, had been a permanent work, it would have been so arranged that the iron-clad fleet could not have maintained the position it did 1,200 yards off, and the land force would have been obliged to resort to a protracted siege operation. In other words, Fort Fisher would not have been taken as it was.

Question. Have not the improvements in artillery shown the necessity of heavy earth-works instead of elaborate stone-works of defense?

Answer. The improvements in artillery have shown the necessity of greatly increasing the dimensions and strength of our earth-works or barbette-batteries, and we are doing so, and building others of the same dimensions; but it has not shown that casemated fire (the fire of the masonry-works) can be wholly dispensed with. On the contrary, as I have before stated, some casemate fire for the defense of the great harbors must be had, and that we must obtain either by placing iron shields in some of the casemates of the masonry-works, or by using iron scarps or shields, or turrets outside of the masonry-work.

Question. What is the comparative cost of earth and stone works of defense, in so far as a comparison may be instituted?

Answer. The fire of the two kinds of works is so different in value that it is difficult to make a just comparison between them. The cost per gun of our masonry-works, with the scarps properly strengthened with iron shields, would be about five times greater than the cost per gun of the earthen batteries we are constructing.

Question. In the event of a foreign war, could earth-works be erected at most of the important points now fortified by stone-works, advantageously?

Answer. They could not be erected in time to be of material assistance. We could of course add to the existing earth-works as time went on; but nowadays the attack is the declaration of war, and we must be prepared for it in advance. I have before explained that earth-works in

connection with masonry-works have always formed part of the harbor defense.

Question. At what points are the present fortifications and works of defense sufficient?

Answer. At no points. For the character and condition of the fortifications I beg leave to refer you to the annual reports of the Chief of Engineers (2d vol. annual report Secretary of War) for several years past, and more especially to those of 1869, pages 4, 5, 6; of 1870, pages from 4 to 11; of 1871, pages 4, 5, and 6, and the pages following descriptive of the object, character of, and progress in the fortifications; of 1872, pages 2 and 3 and forward; and of 1873, from page 4 onward.

Question. What number of heavy guns do we need for coast defense?

Answer. The number of heavy guns required to arm the works now projected for coast defense, when they are completed according to the modifications approved by the Secretary of War, is approximated as follows, it being remarked, however, that in some instances the armament has not been determined, or fully determined, for certain portions of a work; in such cases the armament is omitted: 9 20-inch smooth-bore guns; 1,313 15-inch smooth-bore or equivalent rifle; 115 13-inch smooth-bore or equivalent rifle; 252 mortars of largest size; 760 10-inch rifled guns; 1,616 10-inch smooth-bore or equivalent rifle.

Question. What number of heavy guns, if any, do we need for the present works?

Answer. The number of additional positions and platforms which will be ready for heavy guns on the 30th June next, but for which, so far as I am informed, there are no guns, will be approximately as follows: About 266 for 15-inch and 13-inch smooth-bore or equivalent rifle guns; about 400 for 10-inch guns, and about 50 for mortars of the heaviest kind.

Respecting the necessity of providing more 10-inch guns, I have to remark that the plans for modifying the existing works and batteries, and for new works and batteries prepared since 1866, make no provision for heavy guns of less caliber than the 15-inch smooth-bore or equivalent rifle gun. Existing positions for smaller guns, which are not modified for the large guns, remain.

Question. What would a supply for the present works probably cost? If you can, make an estimate upon any given kind of guns. Can you estimate the cost of a good supply of heavy guns for our sea-coast defense at all important points? If so, furnish a statement.

Answer. As it is the duty of the Ordnance Department to supply the guns, carriages, and everything pertaining to the armament of the fortifications, and as I should be obliged to obtain from that department the information necessary to reply to the last two inquiries, I hope I may be excused from making any statement in reply to them.

The principles which govern the nature and extent of the sea-coast defenses we are now engaged upon have been derived from the experience gained during our own recent war in the attack and defense of sea-coast fortifications, and from experiments and investigations made at home and abroad since the war. These principles or conclusions have been enunciated in the reports of the board of engineers for fortifications, composed of some of the most experienced officers of the corps, and in the annual reports from the office of the Chief of Engineers; have been submitted to and have been approved by the General of the Army and the Secretary of War, and have received the sanction of Congress in the appropriations made by it for the preparations of defense in accordance with them for most of the chief harbors of the United States.

This system consists in—

First. The preparation (by the modification of old, and the construction of new) of powerful barbette batteries of earth and sand, liberally provided with traverses and parados, magazines and bomb-proofs.

Second. The substitution of a depressing gun-carriage for the one now in use. This substitution will provide, by the use of high earthen parapets and traverses, for the descent of the gun, when fired, far below the top of its earthen covers, so that the gun and the gunners will be secure from direct and slightly curved fire, whether from the front or flank.

Third. The construction of powerful mortar-batteries in connection with the gun-batteries. A heavy fire from large mortars will act effectively upon the comparatively thin decks of vessels, whose sides are thickly plated; such batteries admit of being placed upon ground not suitable for gun-batteries; are easily isolated and covered, and are of moderate cost.

Fourth. The employment of torpedoes in the channel-ways and approaches to the harbors, as accessories in the defense, they being covered by the fire of the guns on the shore which command the channels.

Torpedoes are of little cost, can be easily preserved and readily placed in position by those instructed in their use. Their value was well shown in the Russian war, in the Crimea, and in the Baltic, and in our southern waters, during our recent war, although they were then in a very imperfect state.

To make the experimental investigations necessary to devise a proper system for the use of torpedoes, the engineer post of Willet's Point was designated by the Secretary of War as the torpedo school of the Army, the engineer battalion stationed there to be used in making the investigations, and to be instructed in the practical application of this auxiliary of harbor and land defenses.

An elaborate course of experiments was accordingly begun in 1869, and has been actively carried on by the engineer troops, at very small cost to the Government, the annual appropriation for this object having been \$10,000. The result of these labors has been a marked success, and we have now a torpedo system that can be relied upon, and which we have every reason to believe is at least as perfect as any devised in Europe. Nearly the whole of the appropriation of \$300,000 for torpedoes, made in the last fortification bill, has been expended in the purchase of the electrical cable employed in firing torpedoes, which it is difficult to obtain in emergencies, and electrical apparatus, a sufficient sum being reserved for the storage and preservation of the cable.

Fifth. The use of entanglements and other obstructions, and of floating batteries, to retain the enemy before the guns of the shore-batteries. These accessories to sea-coast defense have always formed part of the projects for the defense of our sea-coast.

Sixth. The use in the batteries of the most powerful modern ordnance.

In this statement respecting the sea-coast defenses, the preparation of which we are engaged upon, no reference has been made to the casemated part of our masonry forts or other casemated works, though casemates, when properly constructed, give security from projectiles coming from the front, the flanks, and overhead. But it is important that some guns at each of our great harbors should be protected by casemate cover of some kind. The experiments made by us at Forts Monroe and Delaware to determine a suitable iron shield to be put in the gun-recess of the casemate, established the fact that the masonry afforded a sufficient resistance to justify the modification of existing

casemate works by the introduction of metal shields in the portion of the scarp-wall immediately surrounding the embrasure, whenever such shields could be obtained at moderate cost. In furtherance of this view several experienced officers of engineers were sent abroad to ascertain in what manner and to what extent the maritime countries of Europe were introducing iron into their sea-coast defenses. The result of their mission made us acquainted with the state of the question there, and the information brought back by them (which has been published and distributed) affords valuable assistance in devising structures for the casemate-cover of guns at those sites where such cover is essential to the perfection of the system of shore defenses.

For fifteen or twenty years past Great Britain has been constructing powerful and costly fortifications for the defense of her great harbors and dock-yards and naval depots, and has recently commenced upon the iron part of these defenses, having gone on with the construction of the masonry and earth-work portions while long-continued and exhaustive experimental researches were being conducted to ascertain in what manner iron should be used.

Her general system for sea-coast defense is like our own, but with a larger proportion of the costly casemate fire, and a smaller proportion of the cheaper earth-work battery. For the application of her torpedo system in connection with fortifications she has made extensive preparations, and her engineer troops, to which this service is intrusted, are well instructed in their use. This system of sea-coast defense was adopted as the most effective and economical, and to enable her fleets to seek the enemy on the ocean, their proper sphere of operation.

In conclusion, I beg leave to suggest that if the committee desire to investigate fully the subject of sea-coast defense, that they send for and examine some of those officers of the Corps of Engineers who have devoted a large portion of their lives to its study and practice. A list of them is appended hereto :

Question. State whether, in view of the situation of affairs—the straitened condition of the Treasury—there are any fortifications or works of defense, now in process of construction, the completion of which can be dispensed with or postponed. If so, state what they are.

Answer. The estimates which were submitted—including the fortifications for the interior as well as the sea-coast—amounted to about \$3,600,000. On the passage of the House resolution concerning the estimates, I went over them carefully, with my assistant, General Casey, and we reduced them down to \$1,400,000, striking out everything except what should be gone on with at a very moderate rate, in the great commercial or strategic harbors—the most important.

Question. State whether temporary casemates can be constructed of sufficient strength and durability to answer all purposes of ordinary defense?

Answer. I think not.

Question. Could not a large quantity of timbers be obtained ordinarily, and earth put upon them?

Answer. That could be done for a bomb-proof shelter; but you could not construct a casemate to fire a gun through, in that way. These timbers must go right up to the front. A shot upon them would shatter them all to pieces, and the whole thing would fall in on the gun, and you would lose your gun at once. The guns are of more importance than the men. The objection to the timber is that you must make it very massive, and that the timber must necessarily be exposed,

and a shot striking that would cover up everything. A gun is exceedingly valuable, because you cannot replace it except after a long time. It takes a long time to get a gun in position.

Question. State whether or not the largest-sized guns can be brought to bear from fleets against our present works of defense; whether in most important points the water is not too shallow to admit the approach of vessels carrying those heaviest and most formidable guns.

Answer. It is not. The cases where these ships cannot approach are exceptions instead of being the rule. They can enter Portland, Portsmouth, (which has a navy-yard,) Boston, Narragansett Bay, (a great strategic place,) New York, and Philadelphia. The very largest ships cannot enter Baltimore; but armed ships can get up there. It has 24 feet of water. But still, these smaller vessels carry the heaviest guns. All these places can be reached by armed ships, carrying the heaviest guns. The *Devastation* is a recently built ship, with the most powerful artillery. It is somewhat approaching the monitor class. I think its draught is 26 feet; but ships can be built with a less draught of water that will carry these big guns.

Question. Would they be seaworthy?

Answer. Yes. I think these larger ships of Great Britain have 25 feet draught. They can, therefore, pass up the entrance to the James River at Fort Monroe. They cannot go to Charleston; but armed ships can go there, because our own ships have gone there. The secondary armed ships, armed with the heaviest guns, can go to Charleston and Savannah. They can get into the lower bay of Mobile and into Key West. The heaviest ships cannot get to New Orleans; but armed ships carrying the heaviest guns can get there. As to San Francisco there is no question about the depth there. There is also ample depth at San Diego.

Question. Can heavy guns be transferred from the large ships to smaller ones?

Answer. No; they would send over the ships that could enter our harbors.

Question. What is the thickness of those iron shelters for embrasures, that you speak of?

Answer. They are 15 inches of iron, in three plates, of 5 inches each, with some material—concrete or iron filings—between the plates. If a thickness of 15 inches be not enough, another plate can be added, making the thickness 20 inches.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 12, 1874.

SIR: In order to render my reply to question No. 5 more complete, I would ask to have the following added to it, after the fifth and sixth lines on page 8, the words of which are: "But this modification we have not made."

The sum in brief of the reply to this question is, that we are so modifying the barbettes of the masonry works and the adjoining barbette-batteries as to enable them to resist the fire of the heaviest artillery from armored ships; but the scarp or front wall of the existing masonry works is not strong enough to resist that fire, and to make it strong enough we must place an iron shield around the embrasure of some of the casemates. The arched covering of the casemates of the masonry works is strong enough to resist the vertical or curved fire of such armored ships.

I also send you herewith, in another letter, a fuller reply to your question as to the practicability of armored fleets entering our chief harbors, so far as the depth of water is concerned, which I request may be added to my response as taken down by the stenographer.

I send you the photograph of the *Devastation*, and will send you, to-morrow morn-

ing, a fuller statement concerning Fort Fisher, and also concerning the deterioration the unfinished barbette-batteries would undergo if allowed to remain unfinished.

Very truly, yours,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. JOHN COBURN,
Chairman Committee Military Affairs, House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 12, 1874.

SIR: I desire to reply a little more fully than I did this morning to your inquiry whether thickly-plated or armored ships with the powerful modern guns draw too much water to enter our principal harbors.

The most powerful ships now built, such as the Devastation class, draw 26½ feet of water at the stern and about 4 feet less at the bow. They are to carry the 35-ton 12-inch rifled gun.

The Monarch class draw about 26 feet at the stern and carry the 25-ton 12-inch rifled gun.

The other classes, carrying from the 25-ton 12-inch rifled gun to the 10-inch and 9-inch rifled gun of a penetrating power equal to our 15-inch smooth-bore gun, draw various depths down to about 16 feet aft.

There are small armored vessels drawing only 7 feet of water, carrying one 9-inch rifle, (which possesses the same penetrating power as our 15-inch smooth-bore at 1,000 yards distance.) The gun can be lowered down to the keel of the vessel in rough weather.

Our own most powerful iron-clads, with 14-inch side armor, carrying four of our most powerful guns, draw 18 feet of water.

All these classes could therefore enter—

1. The Penobscot River;
2. The Kennebec River;
3. Portland Harbor;
4. Portsmouth (N. H.) Harbor;
5. Boston Harbor;
6. Narragansett Bay, (a great strategic position);
7. New London Harbor;
8. New York Harbor;
9. Philadelphia Harbor, (except those drawing 25 feet and over;)
10. Hampton Roads, (the entrance to James River and the harbor of Norfolk;)
11. The Tortugas, (strategic position,) and
12. San Francisco Harbor.

A large part of such ships could enter the harbors of—

1. Baltimore;
2. Washington;
3. Charleston;
4. The mouth of the Savannah River;
5. The harbor of Key West;
6. Pensacola Harbor;
7. The lower harbor of Mobile;
8. Ship Island Harbor;
9. The harbor of New Orleans;
10. The harbor of San Diego, and
11. The mouth of the Columbia River.

The largest wooden ships of the line of former days drew from 25 feet to 27 feet water, and others correspondingly. It is perceived, then, that the change from wooden ships to iron-clads has not materially changed their draught of water, and the question, therefore, as to the accessibility of our harbors to the ships of war of foreign nations, so far as it relates to depth of water, remains the same as before. It will be observed, indeed, that our most powerful armored ships draw 18 feet water, the draught of frigates formerly.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. JOHN COBURN,
Chairman Committee Military Affairs, House of Representatives.

8 M E

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January, 13, 1874.

SIR: In reply to your inquiry as to what reduction could be made in the estimate for fortifications, in view of the actual and anticipated falling off in the amount of revenue collected, I have to state that the estimates for the service of the Engineer Department were submitted in August last, before the disturbance in monetary affairs of the country had occurred or was generally felt. The estimate for fortifications amounted to about \$3,400,000.

Under the resolution of the House of Representatives, returning the estimates for revision, those for fortifications were reduced to \$1,400,000, and subsequently upon a conference with the member of the Committee on Appropriations having charge of this subject and afterward with that committee, the estimates were still further reduced to about \$1,000,000. This sum provides for a very moderate progress on the defenses of most of the chief harbors of the country.

As to the inquiry whether all expenditure upon these works might not be temporarily suspended, I must advise to the contrary, in view both of the incomplete state of the defenses and the unfinished condition of the works. The half-finished earth-work, exposed for any length of time to the weather, would be materially injured, as would be also the unfinished masonry; and the machinery and other expensive means and appliances used in the construction of the fortifications, commonly termed "plant" by contractors, would be seriously impaired by disuse.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. JOHN COBURN,
Chairman Committee Military Affairs, House of Representatives.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington City, January 12, 1874.

SIR: In reply to your communication of the 7th instant, requesting a statement of the number, occupation, and total monthly pay of the civilians employed by the Subsistence Department, and also a statement showing the number of enlisted men employed on extra duty in said Department, with their several occupations and their total monthly pay, I have the honor to inform you that of civilians there are employed—

69 clerks, whose average monthly pay is.	\$121 69—total,	\$8,396 61
2 inspectors, whose average monthly pay is	100 00—total,	200 00
8 store-keepers, whose average monthly pay is	86 46—total,	691 68
21 messengers, whose average monthly pay is	44 14—total,	926 94
5 watchmen, whose average monthly pay is.	45 00—total,	225 00
9 coopers, whose average monthly pay is...	63 89—total,	575 01
44 laborers, whose average monthly pay is..	49 66—total,	2,185 04
14 other employés, whose average monthly pay is.....	59 12—total,	827 68

172 total employed. Grand total of pay per month..... 14,027 96

The inclosed statement, in detail, of the enlisted men on extra duty, shows the number to be as follows:

30 employed as assistants to acting commissaries.
15 employed as butchers.
17 employed as coopers.
49 employed as herders.
115 employed as laborers.
3 other employés.*

229 total. The total monthly compensation to whom amounts to \$1,617, or \$19,404 per annum.

* 1 store-keeper, 2 overseers.

The foregoing items are taken from the last reports received from the officers on duty in this Department.

The following are the authorized civilians employed in this Bureau:

1 chief clerk, at an annual compensation of.....	\$2,000
1 clerk class 3, at an annual compensation of.....	1,600
8 clerks class 2, at an annual compensation of.....	1,400
15 clerks class 1, at an annual compensation of...	1,200 (1 vacancy.)
1 messenger, at an annual compensation of.....	840
2 laborers, at an annual compensation of.....	720

There are also assigned to serve in this Bureau five enlisted men, belonging to the general service, as watchmen, assistant messengers, and laborers, whose total monthly pay, fuel and quarters, &c., and commutation of rations, amount to \$74.07 each.

I have the honor to be, sir, very respectfully, your obedient servant,
A. B. EATON,
Commissary-General.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

Statement showing number of extra-duty men employed in the Subsistence Department, United States Army; also how employed, and their daily and monthly compensation as per last reports received.

Name of soldier.	Rank and regiment.	Employed.			Pay.	
		When.	Where.	How.	Per day.	Per month.
C. Burns	Private 8th Inf.	Nov., 1873	Fort D. A. Russell, Wyo.	Laborer.	<i>Cents</i> 20	\$6 00
C. Smith	do	do	do	do	20	6 00
J. E. Cline	do	do	do	do	20	6 00
B. Hjarne	Private 18th Inf.	do	Newberry, S. C.	Asst. to A. C. S.	35	10 50
A. W. Challinor	Sergeant 1st Cav.	do	Ft. Klamath, Oreg.	do	35	10 50
L. Sondheim	Private 1st Cav.	do	do	Laborer.	20	6 00
E. J. Ring	Private 3d Inf.	do	Fort Lyon, Colo.	Asst. to A. C. S.	35	10 50
W. McSweeney	Sergeant 7th Cav.	Oct., 1873	Fort Rice, Dak.	In ch'ge of cattle	20	6 00
H. Myers	Private 7th Cav.	do	do	Butcher	35	10 50
P. Walker	do	do	do	Laborer.	20	6 00
H. D. Speer	do	do	do	do	20	6 00
D. Dunbar	Private 9th Inf.	Nov., 1873	Ft. F. Steele, Wyo.	do	20	6 00
M. S. McDonald	Private 14th Inf.	do	Columbia, S. C.	do	20	6 00
J. G. Hewitt	Sergeant 16th Inf.	do	Frankfort, Ky.	Asst. to A. C. S.	35	10 50
William Campbell	Private 10th Inf.	do	Ft. McKavet, Tex.	Laborer.	20	6 00
A. Brosmer	do	do	do	do	20	6 00
W. J. Kelly	do	do	do	do	20	6 00
G. A. Brown	do	do	do	do	20	6 00
L. Hoersch	do	do	do	do	20	6 00
John O'Conner	do	do	do	do	20	6 00
A. Mark	Private 3d Inf.	do	Ft. Leavenworth, Kans.	Asst. to A. C. S.	35	10 50
J. Ohlsen	do	do	do	do	35	10 50
A. Gilmour	Private 20th Inf.	do	Ft. Ripley, Minn.	Laborer.	20	6 00
W. C. Weatherbe	Private 8th Cav.	do	Ft. Garland, Colo.	Asst. to A. C. S.	20	6 00
J. H. Thompson	Private 12th Inf.	do	Camp Wright, Cal.	do	20	6 00
E. Gravier	do	do	do	Laborer.	20	6 00
H. Shannan	Private 20th Inf.	do	Ft. Pembina, Dak.	do	20	6 00
J. Maloue	Private 23d Inf.	do	Camp McDowell, Dak.	do	20	6 00
J. H. Zinstine	do	do	do	do	20	6 00
W. Hunkett	Private 10th Inf.	do	Austin, Tex.	Asst. to A. C. S.	35	10 50
W. Brinkerman	Corporal 6th Inf.	do	Ft. A. Lincoln, Dak.	Laborer.	20	6 00
C. S. Claudius	do	do	do	Herder.	20	6 00
A. D. Brown	Private 6th Inf.	do	do	do	20	6 00
B. Burdick	do	do	do	do	20	6 00
J. McMullin	do	do	do	do	20	6 00
T. W. Adams	do	do	do	do	20	6 00
R. Barth	do	do	do	do	20	6 00
W. Eades	do	do	do	do	20	6 00
J. Brogan	do	do	do	do	20	6 00

Statement showing number of extra-duty men employed, &c.—Continued.

Name of soldier.	Rank and regiment.	Employed.			Pay.	
		When.	Where.	How.	Per day.	Per month.
S. J. Bogle	Private 6th Inf.	Nov., 1873	Ft. A. Lincoln, Dk.	Herder	20	\$8 00
B. Gallatin	do	do	do	do	20	6 00
O. Crissinger	do	do	do	do	20	6 00
P. O. Barry	do	do	do	do	20	6 00
J. B. Gravelin	Private 12th Inf.	do	Beale's Springs, Ariz.	do	20	6 00
M. Werner	Private 5th Art.	do	Fort Adams, R. I.	Laborer	20	6 00
J. Gresham	Private 3d Inf.	do	Camp Supply, Ind T.	do	20	6 00
J. Kunst	Sergeant 4th Art.	Oct., 1873	Ft. Cape Disappointment, Wash.	do	20	6 00
William Breese	Private 8th Cav.	Nov., 1873	Ft. Bayard, N. M.	do	20	6 00
C. Brown	Private 1st Inf.	do	Ft. Porter, N. Y.	do	20	6 00
W. S. Kelley	Private 11th Inf.	do	Ft. Concho, Tex.	do	20	6 00
A. Taylor	do	do	do	do	20	6 00
W. McMurty	Private 15th Inf.	do	Ft. Tulerosa, N. Mex.	do	20	6 00
W. Gisle	Private 8th Inf.	do	Beaver, Wyo.	Asst. to A. C. S.	20	6 00
George Baker	Private 12th Inf.	do	Angel Island, Cal.	do	35	10 50
E. J. Phillips	do	do	do	Laborer	20	6 00
D. Bridgeforth	Corporal 24th Inf.	do	Ft. McIntosh, Tex.	Store-keeper	35	10 50
J. Calaghan	Private 5th Art.	do	Ft. Mourue, Va.	Laborer	20	6 00
W. A. Porter	do	do	do	do	20	6 00
Charles Miller	Sergeant 12th Inf.	Oct., 1873	San Diego, Cal.	Asst. to A. C. S.	35	10 50
J. H. Masterman	Private 15th Inf.	Nov., 1873	Santa Fé, N. Mex.	Laborer	20	6 00
N. Pennacker	do	do	do	do	20	6 00
J. Riley	do	do	do	do	20	6 00
C. P. Merriek	Private G. M. serv.	do	Saint Louis, Mo.	Cooper	35	10 50
F. Elias	Private 23d Inf.	do	Lower Brule Agency, Dak.	Butcher	35	10 50
J. Goodwin	Corporal 15th Inf.	Oct., 1873	Fort Stanton, N. Mex.	Laborer	20	6 00
J. Smith	Private 8th Cav.	do	do	do	20	6 00
C. Weinberger	Private 23d Inf.	do	Tucson, Ariz.	Cooper	35	10 50
F. Marvin	do	do	do	Laborer	20	6 00
J. T. Falvey	Private 15th Inf.	Nov., 1873	Ft. Craig, N. Mex.	Asst. to A. C. S.	35	10 50
E. Whiting	Corporal 22d Inf.	do	Ft. Randall, Dak.	Laborer	20	6 00
H. Betzer	do	do	do	Herder	20	6 00
J. Churchill	Not given	do	Camp Warner, Oreg.	Butcher	20	6 00
E. C. Beaslin	do	do	do	Herder	50	6 00
R. M. Hickey	do	do	do	do	20	6 00
C. M. Rogers	Corporal 23d Inf.	do	Camp Apache, Ariz.	Laborer	20	6 00
W. M. Thompson	Lance-sergt., unassigned.	do	Ft. Sanders, Wyo.	Cooper	35	10 50
W. H. Lyman	Private 22d Inf.	do	do	Laborer	20	6 00
J. Totten	Private 5th Inf.	do	Ft. Larned, Kans.	do	20	6 00
J. Davis	Private 21st Inf.	do	Fort Vancouver, Wash.	do	20	6 00
M. Loftus	Not given	Dec., 1873	Nashville, Tenn.	do	20	6 00
T. J. Russell	do	do	do	do	20	6 00
J. C. Post	Private 20th Inf.	Nov., 1873	Ft. Seward, Dak.	Cooper	35	10 50
J. Bourke	do	do	do	Laborer	20	6 00
G. O'Crour	Private 1st Inf.	do	Ft. Wayne, Mich.	Asst. to A. C. S.	35	10 50
W. J. Noble	Private 17th Inf.	do	Cheyenne Agency, Dak.	Laborer	20	6 00
W. R. Powers	do	do	do	do	20	6 00
J. Morrissey	Private P. P.	do	Fort Columbus, N. Y. Harbor.	do	20	6 00
S. A. Sykes	Private 24th Inf.	do	Ringgold Barracks, Tex.	Cooper	35	10 50
A. Stephens	Private 2d Inf.	do	Huntsville, Ala.	Asst. to A. C. S.	35	10 50
J. Suckadoe	Sergeant 25th Inf.	do	Ft. Quitman, Tex.	Laborer	20	6 00
T. St. Glick	Private 22d Inf.	do	Ft. Randall, Dak.	Butcher	35	10 50
J. Wilson	do	do	do	Herder	20	6 00
J. Budd	do	do	do	do	20	6 00
J. J. Lacy	do	do	do	do	20	6 00
I. Staley	do	do	do	do	20	6 00
J. St. Geiman	do	do	do	do	20	6 00
Wm. Cummins	do	do	do	do	20	6 00
P. Sheehan	do	do	do	do	20	6 00
D. E. Murphy	do	do	do	do	20	6 00
W. F. Myers	Private 12th Inf.	do	Camp Halleck, Nev.	Laborer	20	6 00
D. F. Stewart	Corporal 1st Cav.	Oct., 1873	Ft. Walla-Walla, Wash.	Butcher	35	10 50
J. Scharfenberger	do	do	do	Cooper	35	10 50

REDUCTION OF THE MILITARY ESTABLISHMENT.

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Statement showing number of extra-duty men employed, &c.—Continued.

Name of soldier.	Rank and regiment.	Employed.			Pay.	
		When.	Where.	How.	Per day.	Per month.
J. Kelly.....	Private 21st Inf.	Oct., 1873	Ft. Walla-Walla, Wash.	Cooper.....	<i>Cents</i> 35	\$10 50
J. W. Watson.....	Private 1st Cav.	do	do	Laborer.....	20	6 00
M. O'Conner.....	Sergeant 16th Inf.	Nov., 1873	Humboldt, Tenn.	Overseer.....	20	6 00
C. E. Jennings.....	Private 16th Inf.	do	do	Asst. to A. C. S.	35	10 50
J. P. Smith.....	Private 3d Inf.	do	Ft. Wallace, Kans.	Laborer.....	20	6 00
J. E. Bullard.....	Sergeant 5th Art.	do	Ft. Preble, Me.	do	20	6 00
A. S. Woodwell.....	Private 14th Inf.	do	Ft. Laramie, Wyo.	do	20	6 00
C. Haze.....	do	do	do	do	20	6 00
W. Brememan.....	Sergeant 17th Inf.	do	Fort Abercrombie, Dak.	Cooper.....	35	10 50
C. Miller.....	— 23d Inf.	do	Camp Verdi, Ariz.	do	35	10 50
T. A. Maclear.....	— 5th Cav.	do	do	Laborer.....	20	6 00
C. Loch.....	23d Inf.	do	do	do	20	6 00
J. R. Thompson.....	Corporal 23d Inf.	Oct., 1873	Ft. Whipple, Ariz.	Cooper.....	35	10 50
P. McGowan.....	Private 19th Inf.	Nov., 1873	Saint Martinsville, La.	do	35	10 50
H. Hall.....	Sergeant 6th Inf.	Oct., 1873	Fort Buford, Dak.	Overseer.....	20	6 00
J. M. Austin.....	Private 6th Inf.	do	do	Laborer.....	20	6 00
F. Swift.....	Not given.	do	Camp Grant, Ariz.	Cooper.....	35	10 50
S. Clarke.....	Private 6th Inf.	do	Fort Buford, Dak.	Laborer.....	20	6 00
J. T. Foreaker.....	do	do	do	do	20	6 00
B. Hadley.....	do	do	do	do	20	6 00
W. Higgins.....	do	do	do	do	20	6 00
P. Quinn.....	do	do	do	do	20	6 00
G. Rankin.....	do	do	do	do	20	6 00
C. Thomson.....	do	do	do	do	20	6 00
G. Walters.....	do	do	do	Butcher.....	35	10 50
C. Wilson.....	Not given.	Nov., 1873	Greenwood, La.	Laborer.....	20	6 00
J. J. O'Hare.....	Private 5th Art.	do	Plattsburgh Barracks, N. Y.	do	20	6 00
M. Frank.....	Private 5th Cav.	Oct., 1873	Camp on San Carlos, Ariz.	Cooper.....	35	10 50
D. W. Driecoll.....	Sergeant 11th Inf.	Dec., 1873	Fort Griffin, Tex.	do	35	10 50
C. Kohler.....	Private 11th Inf.	do	do	Laborer.....	20	6 00
C. Porzell.....	do	do	do	do	20	6 00
T. Colmay.....	Private 3d Inf.	Nov., 1873	Fort Riley, Kans.	do	20	6 00
J. Holzmanur.....	Sergeant 12th Inf.	do	Camp Galton, Cal.	Asst. to A. C. S.	35	10 50
J. Carlson.....	Private 12th Inf.	do	do	Laborer.....	20	6 00
T. Caffrey.....	do	do	do	do	20	6 00
G. Stein.....	Private 7th Inf.	do	Camp Baker, Mont.	do	20	6 00
A. Briggs.....	Corporal 11th Inf.	do	Fort Richardson, Tex.	do	20	6 00
M. Micheals.....	Private 11th Inf.	do	do	do	20	6 00
J. Daly.....	do	do	do	Butcher.....	35	10 50
B. Richter.....	Private 1st Cav.	do	Benicia Barracks, Cal.	Laborer.....	20	6 00
G. Brown.....	Private 8th Inf.	do	Cp Stambaugh, Wash.	do	20	6 00
J. Nafstal.....	Private 11th Inf.	do	Fort Sill, Idaho	do	20	6 00
P. Lynch.....	Private 10th Inf.	do	Fort Clark, Tex.	do	20	6 00
J. O'Brien.....	do	do	do	do	20	6 00
D. Barrett.....	Private 15th Inf.	do	Ft. Union, N. Mex.	do	20	6 00
E. Shanks.....	Private 7th Inf.	do	Fort Shaw, Mont.	Butcher.....	35	10 50
W. Meyers.....	do	do	do	Asst. to A. C. S.	35	10 50
J. Malkmus.....	Private 1st Art.	do	Ft. Jefferson, Fla.	Butcher.....	35	10 50
J. Thompson.....	Sergeant 16th Inf.	do	Jackson, Miss.	Asst. to A. C. S.	35	10 50
O. Dornser.....	Private 6th Cav.	do	Fort Hays, Kans.	Laborer.....	20	6 00
E. Polk.....	Sergeant 4th Art.	Oct., 1873	Sitka, Alaska	Asst. to A. C. S.	35	10 50
M. Fitzsimmons.....	Private 4th Art.	do	do	Butcher.....	20	6 00
W. Mohr.....	do	do	do	Herder.....	20	6 00
J. Clark.....	Not given.	Nov., 1873	Fort Davis, Tex.	Cooper.....	35	10 50
H. Wienskowski.....	Private 3d Art.	do	Ft. Wadsworth, N. Y. Harbor.	Asst. to A. C. S.	35	10 50
A. W. Hardin.....	Private 19th Inf.	do	Baton Rouge, La.	Laborer.....	20	6 00
F. Farrell.....	Private 14th Inf.	do	Fort Fetterman, Wyo.	Asst. to A. C. S.	35	10 50
T. Farrell.....	do	do	do	Laborer.....	20	6 00
W. Henry.....	Not given.	do	Fort Sully, Dak.	Butcher.....	20	6 00
T. J. Kelly.....	do	do	do	Laborer.....	20	6 00
T. McDonald.....	do	do	do	Herder.....	20	6 00
J. Cronin.....	do	do	do	do	20	6 00
H. Taylor.....	do	do	do	do	20	6 00
J. McAllister.....	do	do	do	do	20	6 00

* Paid for ten days.

Statement showing number of extra-duty men employed, &c.—Continued.

Name of soldier.	Rank and regiment.	Employed.			Pay.	
		When.	Where.	How.	Per day.	Per month.
S. Bradley	Not given	Nov., 1873	Fort Sully, Dak	Herder	<i>O'nt</i> 20	\$6 00
J. Delaney	do	do	do	do	20	6 00
J. K. McGuire	Private 2d Art.	Dec., 1873	Fort Foote, Md	Asst. to A. C. S. .	20	6 00
John Smith	Private 3d Cav.	Nov., 1873	Ft. McPherson, Nev.	Laborer	20	6 00
L. A. Skidmore	do	do	do	do	20	6 00
H. Weber	do	do	Fort McRae, N. Mex.	Asst. to A. C. S. .	20	6 00
C. Smith	Private 6th Cav.	Oct., 1873	Ft. Lapwai, Id'ho	Herder	20	6 00
B. Riley	Private 21st Inf.	do	do	do	20	6 00
C. Tannier	Not given	Nov., 1873	Ft. Wingate, N. Mex.	Laborer	20	6 00
C. Nodder	Private 1st Cav.	do	C'p McDermott, Nev.	do	20	6 00
P. W. Ross	Private 2d Art.	do	Ft. Macon, N. C	do	20	6 00
J. Scales	Private 6th Inf.	do	Fort Stevenson, Dak.	Butcher	35	10 50
W. Jones	do	do	do	Laborer	20	6 00
J. C. Meaden	do	do	do	do	20	6 00
H. West	Private 19th Inf.	do	Jackson Barr'ks, La.	do	20	6 00
H. B. Meakins	Private 4th Art.	Oct., 1873	Ft. Stevens, Oreg	do	20	6 00
C. Weigand	Private 2d Art.	Nov., 1873	Fort McHenry, Md.	Butcher	35	10 50
H. Martin	Corporal 16th Inf.	Dec., 1873	Lebanon, Ky	Asst. to A. C. S. .	35	10 50
G. W. Earnest	Private 4th Inf.	Nov., 1873	Ft. Bridger, Wyo	Laborer	20	6 00
M. Flynn	do	do	do	do	20	6 00
H. Miller	Private 13th Inf.	do	Camp Douglas, Utah.	do	20	6 00
J. Larkins	Private 7th Inf.	do	Fort Ellis, Mont	Cooper	35	10 50
H. Rahmer	Private 2d Cav.	do	do	Laborer	20	6 00
J. T. Boardman	General service	do	Newport Barr'ks, Ky.	do	20	6 00
S. Mosler	do	do	do	do	20	6 00
J. H. King	Private 21st Inf.	Oct., 1873	Ft. Colville, Wash.	Herder	20	6 00
J. Barbor	do	do	do	do	20	6 00
John Iburg	Private 16th Inf.	Nov., 1873	Oxford, Miss.	Asst. to A. C. S. .	35	10 50
Rebachakya	Indian	do	Ft. Wadsworth, Dak.	Herder	20	6 00
C. Parkhurst	Private 17th Inf.	do	do	Butcher	35	10 50
C. Kohlbepp	do	do	do	Laborer	20	6 00
Minagotte	Indian private	do	do	Herder	20	6 00
A. Houninger	Private 17th Inf.	do	do	Laborer	20	6 00
E. Berry	Private 24th Inf.	do	Fort Brown, Tex	Cooper	35	10 50
H. Patterson	do	do	do	Laborer	20	6 00
C. H. Atkins	Private 3d Inf.	do	Fort Dodge, Tex	do	20	6 00
J. Hausford	Private 20th Inf.	do	Fort Totten, Dak	do	20	6 00
J. Schwansberg	Private 9th Inf.	do	Omaha Barr'ks, Nebr.	do	20	6 00
M. Connor	do	do	do	do	20	6 00
J. Hyar	do	do	do	do	20	6 00
E. Fisher	Private 1st Inf.	do	Madison Barr'ks, N. Y.	do	20	6 00
D. Barry	Not given	do	Camp Independence, Cal.	Asst. to A. C. S. .	35	10 50
C. Speer	do	do	do	Laborer	20	6 00
F. A. Ainsworth	Sergeant 14th Inf.	do	Sidney Barracks, Nebr.	Asst. to A. C. S. .	35	10 50
F. L. Hoffman	Corporal 14th Inf.	do	do	do	35	10 50
W. Marsden	Private 14th Inf.	do	do	Laborer	20	6 00
H. Alden	Corporal	do	Grand River, Dak	do	20	6 00
J. McLaughlin	do	do	do	Herder	20	6 00
A. Fitzpatrick	Private	do	do	do	20	6 00
T. J. Heninger	do	do	do	do	20	6 00
J. Maple	do	do	do	do	20	6 00
J. Miller	do	do	do	do	20	6 00
G. McKee	do	do	do	do	20	6 00
J. Thomas	do	do	do	Laborer	20	6 00
W. Berberick	Musician 2d Inf.	do	For. Yuma, Cal	do	20	6 00
A. Duval	Private 21st Inf.	Oct., 1873	C'p Harney, Oreg	Herder	20	6 00
H. Jackson	do	do	do	do	20	6 00
J. Dailley	Private 1st Cav.	do	do	Butcher	20	6 00
J. Simpson	do	do	do	Herder	20	6 00
Geo. Sanderson	do	do	do	do	20	6 00
C. Smith	Sergeant 21st Inf.	do	do	do	20	6 00
A. Adrian	21st Inf.	do	do	Asst. to A. C. S. .	35	10 50
Levi Burks	1st Cav.	do	do	Laborer	20	6 00

RECAPITULATION.

Assistants to Acting Commissary Subsistence	30
Butchers	15
Coopers	17
Herdsmen	49
Laborers	115
Other employes	*3
Total number detailed	229
Total monthly pay	\$1,617 00

A. B. EATON,
Commissary-General.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
January 12, 1874.

WASHINGTON, D. C., *January 12, 1874.*

EDWARD P. SMITH, Commissioner of Indian Affairs, appeared before the committee in response to its invitation.

The CHAIRMAN. We have been making an examination with reference to the reduction of the Army. A large use being made of the military force in connection with Indian affairs, we desire to ascertain all the facts we can from you on this subject. State at what points, if any, the military force is not needed in connection with the management of Indian affairs.

Mr. SMITH. I should state, as a general fact, that, with the exception of a few tribes located on their reservations, the military force would not be required in connection with Indian affairs.

The CHAIRMAN. What tribes are those?

Mr. SMITH. The Apaches, Sioux, Kiowas, Comanches, and the Cheyennes and Arapahoes. That would involve the use of the military in Arizona, New Mexico, Indian Territory, and along in Nebraska, Wyoming, and Dakota.

The CHAIRMAN. So far as your experience goes, and as your investigations have reached, is the present military force in those neighborhoods deemed sufficient?

Mr. SMITH. That depends somewhat on the course that is thought necessary to be pursued by the Indian Department during the coming season. I think that in the Indian Territory, and at all other points except among the Sioux, the present force is sufficient. That is, there is a region of country which is tributary, in a military way, to the Sioux defense, and which supplies all that is essential, so that I suppose, unless there be an effort made to bring these Sioux into proper subjection during the coming season, there will be sufficient. They have refused to be counted, and they demand rations on their own representations of numbers, and the agent is entirely powerless. He has to yield to their demand. The supplies are necessarily, in that country, some hundred or one hundred and fifty miles from the base. But he has no troops to protect him, because by the treaty no troops are allowed to come into that country. If there should be a modification of that treaty, or if the Department should override it, in view of its violation on the part of the Sioux, there would probably be more troops required, and there would be required a fort in the Sioux country, and also one on the western boundary, which would require an increase of the military force used in the coming year over that of last year.

The CHAIRMAN. What do they represent the numbers of the Sioux Nation to be?

* One store-keeper, two overseers.

Mr. SMITH. The Sioux are estimated from 45,000 to 56,000. From the best information I have, they are not far from 53,000.

The CHAIRMAN. Do you mean warriors?

Mr. SMITH. No, sir; men, women, and children. With the exception of 2,000, the Government is to-day feeding the whole of that number; it is feeding from 44,000 to 56,000. The number is indefinite because of the inability to count them, and also because they go from one station to another.

The CHAIRMAN. Over what extent of territory are those Indians scattered?

Mr. SMITH. Clear across Dakota. They are all on the west side of the Missouri River in the Territory of Dakota.

The CHAIRMAN. Do they extend into Montana in any great number?

Mr. SMITH. No, sir; except some 7,000 to 8,000 Téton Sioux at Milk River.

The CHAIRMAN. Do they extend into Wyoming?

Mr. SMITH. No, sir; except as they roam off from reservations.

The CHAIRMAN. So far as you can ascertain is there any considerable number of the Sioux off from their reservations in Montana, Idaho, or Wyoming?

Mr. SMITH. No, sir; unless they go on an excursion or raid. There are other tribes all around the Sioux who would hinder their going off, except toward the south, if they were properly armed.

The CHAIRMAN. What tribes do you mean?

Mr. SMITH. The Shoshones and Bannocks in Wyoming, and the Crows and Blackfeet, north and northwest, in Montana, and the Arickarees in the northeast. All these are friendly to the whites.

The CHAIRMAN. Do you think they could be armed with safety in order to prevent the scattering of the Sioux?

Mr. SMITH. Yes, with entire safety.

The CHAIRMAN. Do you think they could be trusted not to use these arms against the whites?

Mr. SMITH. Yes, entirely so.

The CHAIRMAN. Could they be armed with safety, so as to insure a reasonable use of the arms as against the Sioux alone?

Mr. SMITH. I think so. For their own protection they would do it, and that would hinder to a large extent the roaming of the Sioux in any number in these directions. Now they are roaming off into Wyoming.

The CHAIRMAN. Could these friendly Indians be used with anything like the same safety that white men could be?

Mr. SMITH. They could if they were under some sort of control. They would need some kind of enlistment.

The CHAIRMAN. What would be the comparative cost of arming and using these Indians as soldiers?

Mr. SMITH. For the time being I think it would cost as much. But their services would be only temporary, for the emergency, and thus the cost would be very slight comparatively.

The CHAIRMAN. Do you think that their employment would only be temporary?

Mr. SMITH. That is all. The Sioux persisted last year in going into Wyoming and attacking the Shoshones, and there was a very urgent call for troops. There would have been no difficulty with them at all if the Secretary of War had had authority to give arms to the Shoshones. They would have taken care of themselves.

The CHAIRMAN. What is the number of the tribes whom you men-

tion as being friendly to the whites, and who could be used to prevent the scattering of the Sioux tribes?

Mr. SMITH. Somewhere from 8,000 to 11,000.

The CHAIRMAN. Is that the number of warriors, or the whole number of the tribes?

Mr. SMITH. The whole number of the tribes. The warriors are about in the proportion of one to five.

The CHAIRMAN. Are there any Indians on the east side of the Missouri River in any considerable numbers, either friendly or unfriendly?

Mr. SMITH. No, sir.

The CHAIRMAN. Is any part of the Army required east of the Missouri River to suppress Indian hostilities or prevent Indian mischief?

Mr. SMITH. Not to any great extent. I should suppose that a single company at Fort Ripley, in Minnesota, and a company at Fort Totten, in Dakota Territory, would be required because of those hostile Sioux coming over there.

The CHAIRMAN. Have you any apprehension of difficulties connected with the Indians in Colorado? And, so far as you can judge from reports made to you, is there any necessity for a military force to suppress Indian mischiefs or hostilities in the western parts of Kansas and Nebraska, or the eastern part of Colorado?

Mr. SMITH. There is a possibility of the necessity of forces in Colorado to prevent the miners and settlers from entering on the Ute reservation. They have appeared there in force pretty near the boundary, and there is reason to apprehend that they will go over on the reservation, and there will be a necessity for bringing them back, as the Indians complain of them. There is a possibility always of the Sioux coming into Nebraska to hunt. They are allowed to do so by their treaty, unless that portion of the treaty be abrogated, as proposed. When they go to hunt they are liable to get into conflicts with the settlers. They have done so within a few weeks past and the troops are now chasing them in Nebraska. I do not think there is any necessity for troops in Kansas.

The CHAIRMAN. Is there any necessity for troops in Southern Kansas on the border of the Indian Territory?

Mr. SMITH. No, sir; I do not think there is any necessity for troops there.

The CHAIRMAN. Passing farther south to the neighborhood of Texas, what is the disposition of the Indians bordering northeast and northern Texas?

Mr. SMITH. These Indians, the Comanches and a portion of the Cheyennes, have been more troublesome during the past year than any other.

The CHAIRMAN. Have you any means of determining their numbers?

Mr. SMITH. Yes; we have them estimated with some degree of accuracy. There are a little over 5,000 of the Kiowas and Comanches, and a little over 3,500 of the Arapahoes and Cheyennes.

The CHAIRMAN. What is their disposition toward the whites?

Mr. SMITH. In the main they are now disposed to be quiet and to receive their annuities and rations from the Government.

The CHAIRMAN. At what points do they receive them?

Mr. SMITH. The Kiowas and Comanches at Fort Sill, and the Arapahoes and Cheyennes at the Cheyenne agency, some one hundred miles north of that. The main body of the Indians of those tribes mentioned are peaceable; but they have among them a set of young bucks whom they say they cannot control, and whom they decline to deliver up when

they return with their booty. They go into Texas on raids, and sometimes kill white people. Then they come back on the reservation and bring their booty with them, and when their surrender is demanded the Indians decline to surrender them, saying that they are not able to do it. They also decline to name them, and it is impossible to have them arrested.

The CHAIRMAN. What means do you propose to adopt to stop these depredations?

Mr. SMITH. There are only one or two courses to be adopted: To have a force large enough to patrol the border, so as substantially to prevent raids, or to strike those who go raiding before they shall have got back to the agency; or else to stop their rations until they will comply with the demand to surrender their raiders, and, if necessary, to proceed further with force and compel them to comply.

The CHAIRMAN. Do you know any other tribes, except these, that make raids into Texas?

Mr. SMITH. None, except from the Mexican side. I think there is a good deal more marauding done in Texas from the Mexican side than from this side.

The CHAIRMAN. So far as you can ascertain, is the military force sufficient in the neighborhood of these Indians, and of Texas, to prevent depredations and to suppress mischief and hostilities?

Mr. SMITH. I should think so, if they were somewhat differently posted.

Mr. SMITH. I would have the main body of the force not in the territory, but on the border between the whites and the Indians, so that any passage either way would be more under the immediate notice of the military officers.

The CHAIRMAN. Then you would remove the fort south from its present position?

Mr. SMITH. Yes.

Mr. ALBRIGHT. Would you abandon Fort Sill?

Mr. SMITH. Yes; I would abandon it as the main post. I would only have it as a station for not more than one company.

The CHAIRMAN. Going into New Mexico, are the Indians there hostile and mischievous?

Mr. SMITH. The Indians there are more mischievous than hostile. They maraud and wander abroad for a living, but they are not violent in any way. They steal cattle, and our cavalry chase them in. This has been the case several times during the summer. There is an effort being made to induce them to concentrate on a reservation in Colorado, which effort I hope will be successful.

The CHAIRMAN. What have you to say of the Indians in Arizona?

Mr. SMITH. I think there will be no need of any increased force in Arizona. I am not at all certain, however, that the force now there can be decreased. I think the Apaches are mainly subjected. There may be a necessity for force on Cochise's reservation, but for no more than has been used by General Crook before.

The CHAIRMAN. Going northward into Utah and Nevada, are there troublesome and hostile tribes there?

Mr. SMITH. We have had a very thorough inspection of those tribes the present season. Major Powell, the explorer, and Mr. Ingalls, the Indian agent, made it. I am satisfied that those tribes are not inclined to be troublesome to such an extent as would require more force there.

The CHAIRMAN. What would you say as to the Indians in California?

Mr. SMITH. I do not think there are any Indians there who are likely to require force as against themselves.

The CHAIRMAN. Then go to Oregon and Washington Territory, and state the condition of Indians there, and the need of a military force.

Mr. SMITH. I am not certain but that Washington Territory will require some force, by way of police, to enforce the regulations against the white people and intruders, and against some disturbing elements on the reservation, but not for operations against any tribe or band of Indians, either there or in Oregon. A very small force may be necessary as a police.

The CHAIRMAN. What number of Indians are there in Oregon and Washington Territory?

Mr. SMITH. I am not able to give the numbers this morning, but I will prepare a statement for the committee.

The CHAIRMAN. Can you state about the number of Apaches in Arizona?

Mr. SMITH. I cannot do so this morning accurately.

Mr. NESMITH. I call your attention to those interior tribes in Oregon, the Shastas, Modocs, Shoshones, Nez Percés, and others which extend from Northern California to Eastern Oregon and into Washington Territory. Do you think that a military force can be dispensed with in the management of those Indians?

Mr. SMITH. I think that a military force is only needed by way of police, now and then, to remove parties who are troublesome; not to exercise any force against the Indians as bands?

Mr. NESMITH. The Modocs required a pretty strong force last year.

Mr. SMITH. If we get into trouble with these Indians as we did with the Modocs we would require to have a pretty strong force there.

Mr. NESMITH. Do you not know that there is a strong tendency on the part of the Indians, as soon as the troops are removed, to begin foraging on the white people there?

Mr. SMITH. No, sir. I have no such information. There is no statement coming from the agents, within my knowledge, to that effect.

Mr. NESMITH. Your agents, of course, do not predict any difficulty while the military is in the immediate neighborhood, but do they say that the military can be dispensed with in the management of these tribes?

Mr. SMITH. No, sir; I do not know that that question was ever put to them.

Mr. NESMITH. We have had on that border five distinct wars within the last twenty years with those Indians. In fact, we have been in a state of semi-war there all the time.

Mr. SMITH. So far as I am able to get knowledge of these Indians, they are no more warlike than nearly all the Indians in the care of the Bureau. There could be a war made with those Spokanes within twelve days by dispossessing them of their location. Then there would be a fight, undoubtedly.

Mr. NESMITH. Along that border of reservations the Indians and whites are interspersed. The white population there are principally stock-raisers, who are isolated and at the mercy of those straggling bands that go off reservations. That is the foundation of all the troubles there, as it was the foundation of the Modoc war, the Indians moving from their reservation and going to the country on the Lost River and undertaking to live on the settlers.

Mr. ALBRIGHT. What did the Modoc war cost?

Mr. SMITH. I do not know. It cost about one hundred and twenty-five white lives, and eight or ten Indians.

The CHAIRMAN. Going next to the Territory of Idaho, are there Indians in that Territory in any considerable numbers?

Mr. SMITH. The Nez Percés are there. They are peaceably disposed in the main. There are no indications, that I am aware of, of any hostile purpose on their part.

The CHAIRMAN. What is the number of Nez Percés?

Mr. SMITH. I will furnish that information.

The CHAIRMAN. Passing along into Montana, what Indians are there?

Mr. SMITH. The Crows are the main body there, and, with the Blackfeet and the Gros Ventres in the northern part, are all friendly to the United States.

The CHAIRMAN. Can you give their number?

Mr. SMITH. Somewhere from six to eight thousand.

The CHAIRMAN. They are all receiving food and annuities?

Mr. SMITH. Yes.

The CHAIRMAN. Are there any Indians in Wyoming that you have not mentioned?

Mr. SMITH. No, sir; the Indians in Wyoming are the Shoshones and Bannacks, and they are favorably disposed.

The CHAIRMAN. So far as your knowledge extends, the hostile and dangerous Indians are those of the Sioux tribes and those that are located in the northern part of Texas and that neighborhood?

Mr. SMITH. Yes; and in Arizona and New Mexico.

The CHAIRMAN. In other words, the hostile Indians are the Sioux tribes, the Comanches, the Cheyennes, the Arapahoes, and Apaches.

Mr. SMITH. Yes, with some part of the Utes in New Mexico.

The CHAIRMAN. State, as far as your knowledge goes, whether there is danger of general hostilities from any of those tribes at present.

Mr. SMITH. No, sir.

The CHAIRMAN. State whether the officers of the Indian department look to such radical change in the condition or location of those Indians as would be likely to bring about hostilities.

Mr. SMITH. The only possible exception is the Sioux. It has seemed to me—although I speak only for myself—as if the Government could not long maintain the position of feeding these Indians, with their present arrogance and demands. If the Government proceeds to bring them into tolerable behavior, there is a liability of conflict, and that will require more force than has been used during the past year.

The CHAIRMAN. You mean more than has been used in that locality?

Mr. SMITH. Yes.

The CHAIRMAN. How many warriors do you think they have?

Mr. SMITH. The Indian nations generally average one warrior to five of the population. That would make from four to five thousand Sioux warriors. But they can bring no such force into the field, because a large portion of the Sioux along the Missouri River would not join them.

The CHAIRMAN. How many warriors do you think they could bring into the field under the greatest pressure and excitement?

Mr. SMITH. Not more than 2,500.

The CHAIRMAN. How are they armed?

Mr. SMITH. The larger portion of the Sioux are armed pretty generally with repeating rifles.

The CHAIRMAN. Have they good supplies of ammunition?

Mr. SMITH. No, sir; they have only a moderate supply.

The CHAIRMAN. Where do they get these arms and ammunition?

Mr. SMITH. Heretofore there has been a trade through the country largely surreptitious. The Indians have been selling their buffalo-robes for arms.

The CHAIRMAN. Do the Indians buy their arms from the military post-traders, or from Indian traders, or from smugglers?

Mr. SMITH. I judge oftener from smugglers than from traders. They come in generally from Canada.

The CHAIRMAN. Are those arms of British manufacture?

Mr. SMITH. No; I think they are taken first into the British possessions and then sent down into this country. The main body of the Sioux on the Missouri River are not armed to any great extent.

The CHAIRMAN. Are most of these Indians mounted as well?

Mr. SMITH. Yes; the Sioux are pretty well supplied with ponies.

Mr. GUNCKEL. You think there is only a portion of them that are armed?

Mr. SMITH. Possibly they might bring 2,500 armed men into the field.

Mr. GUNCKEL. Armed in this way?

Mr. SMITH. No, sir; I should hardly think over 1,500, although that is an estimate made without very much basis.

The CHAIRMAN. Are there many settlements in the eastern part of Montana, or northern part of Wyoming, or western part of Dakota, that need protection at all?

Mr. SMITH. The settlers in Wyoming need protection, for the Sioux break over the southwestern part of Dakota. There are no settlers in Dakota that have been troubled to any extent. The Missouri River Sioux are not troublesome to any extent. Most of the fighting on the Missouri River has been between the Sioux and the Poncas. If the Poncas had been armed they would have taken care of themselves.

The CHAIRMAN. Do you apprehend any difficulty along the line of the Union Pacific Railroad or any injury to that road?

Mr. SMITH. No, sir; there is no indication of that at all.

The CHAIRMAN. There was an expedition out on the line of the Northern Pacific Railroad last year—quite a large military force. Do you know anything about the necessity for it?

Mr. SMITH. There were threats made by some of those northern Indians, and there are now. There is a portion of these Sioux that have never come into any agency at all, and they have kept constantly demanding that that road should be given up, and threatening that they would compel it. Under these threats I doubt if it would have been safe for any surveying parties to have gone out there without military protection. Yet, parties have gone through without any danger. Immediately after the troops left there one person went through entirely alone in his buggy and did not see an Indian. That country is safer to travel now, all along the Missouri River and up in the northeast part of that reservation, than it has been before for a long time.

Mr. GUNCKEL. If that railroad work were not to be further prosecuted would the continuance of the military force be required in such strength as has been there?

Mr. SMITH. No, sir. There is no need of any force in that direction. The force will have to be applied to the Red Cloud and Spotted Tail agency. There should be a fort in between them. I should desire that for my own administration. There should be a military post established somewhere midway between the Spotted Tail and Red Cloud agencies in the southern border of Dakota or a little above it.

Mr. GUNCKEL. Looking over the whole field, what military force, in

your opinion, is necessary to assist in carrying out the Indian peace policy of the Government ?

Mr. SMITH. I am hardly competent to give an opinion on the subject.

The CHAIRMAN. Then state what posts you would have occupied by military force.

Mr. SMITH. My general answer is that the force in Arizona, New Mexico, Texas, and the Indian Territory is all that is required there now ; that is, I do not apprehend a need of any increase in those localities.

Mr. GUNCKEL. The military force there is sufficient and no more than sufficient ?

Mr. SMITH. I should think so. I should think they ought to remain there about as they are.

Mr. YOUNG. Are there any more hostile Indians than there were in 1865 ?

Mr. SMITH. No ; I don't think there are so many.

Mr. YOUNG. Are there not more than one-half as many troops guarding the frontier now than there were then ?

Mr. SMITH. Yes ; but the frontier would need more guarding now than it did then, even with the same disposition on the part of the Indians, because the frontier is now nearer to the Indians, and the Indians and whites are more intermingled, so that there is more liability of conflicts than there was.

Mr. MACDOUGALL. What, in your judgment, is the best means of making a wild Indian docile ?

Mr. SMITH. He needs three things. He needs restraint, or to know that he can be restrained. Then he needs a suitable reservation where he can get his living ; such a country as a white man can live in. Then he needs help to teach him how, just as you have to begin with a child, and give a good deal more help to a child than you have to to a grown man.

Mr. MACDOUGALL. In your estimate of the number of warriors that can be drawn out by any tribe in case of war, has it not been your experience, and the experience of the country, that these Indian nations have generally turned out a great many more men and with better arms than had been anticipated ?

Mr. SMITH. No ; I should say rather the opposite. They do not turn out so many as we expected ; a great many of them shirk. Many of the Sioux would not fight at all. After you have been giving an Indian coffee and beef for five or six years he does not want to break away from the agency.

Mr. MACDOUGALL. Did not the Modocs turn out a larger force, and were they not better supplied with arms and ammunition than any one had supposed they would be ?

Mr. SMITH. No ; I do not think they produced as many men as it was supposed they would. The peculiar country that they were in, and the extremity to which they were driven, they being at bay, made the fight more fierce than was anticipated. There were peculiarities about that Modoc war which could hardly be repeated.

At a subsequent session of the committee, in the evening, the examination of Mr. SMITH was resumed, as follows :

Mr. ALBRIGHT. In your opinion, is the presence of troops necessary in Texas as well to protect the frontier as to keep the Indians in subjection ?

Mr. SMITH. A military force is not necessary to keep those Indians in subjection on reservations. We have but little trouble with them as

long as they stay there; but when they leave the reservations the troops are needed to chase them; or, if that is not effective to prevent raiding, on account of the large extent of territory, then the troops would be needed to come on reservations and to punish the Indians there. But it would be much better policy, as it would save cruelty, if the force was large enough to strike the Indians when they are off the reservations, and in that way punish the guilty ones only; for if you attack them on the reservations you necessarily attack women and children also, and a very large proportion of Indians who are not at all guilty, except as they harbor guilty ones. Take the Comanches, for instance. I suppose that not one in twenty-five of the fighting men of the Comanches is disposed to go off the reservations marauding, but the twenty-fifth part of them are, and they go off and get their booty and steal and murder, slip through the military, and come back on the reservations, and it is impossible for the agents or the military to detect them and punish them alone if the attempt is made there. The Indians should be struck in the act or on the way to or from the reservations.

Mr. ALBRIGHT. Is the military force sufficiently large to do that?

Mr. SMITH. No, sir; I do not think it is. I have asked that that be done, and the reply has been that, from the nature of the country and the great extent of the reservation, it is impossible to keep the Indians from slipping in and out. But if the military force was on the border, instead of being in the interior of the reservation, I think it would be much more serviceable in accomplishing that end.

Mr. ALBRIGHT. In the regions of country where the Indians are peaceably disposed, is or is not a military force necessary to protect the Indians from the encroachment of white settlers and frontiersmen?

Mr. SMITH. Frequently that is the case, and there has been more need of troops in that line, except in the wildest portion of the country, than in the other line. There is more force needed to protect the Indians from persons who intrude on the reservations, and to keep them off, than there is to keep the Indians themselves in subjection. That is likely to increase. The fact of the Indians coming into some sort of civilization increases that liability.

The CHAIRMAN. What is the number of Indians west of the Sioux in the Territory of Montana?

Mr. SMITH. West and north there are 11,000. They are the Blackfeet, the Bloods, the Piegiens, and the Crows; and a little to the northeast of them there are about 2,200 Aricarees and Gros Ventres. Further, directly west are the Shoshones, of about 1,000, in Wyoming. These Indians are all friendly to the Government.

Mr. HUNTON. What is the number of Indians in the United States in round numbers?

Mr. SMITH. About 330,000, counting the Alaska Indians. Leaving them out, about 265,000 or 270,000.

The CHAIRMAN. What is the number of the Apaches?

Mr. SMITH. They number from 11,000 to 12,000. The Kioways, Comanches, Cheyennes, and Arapahoes are the hostiles in the Indian Territory. They are about 8,000.

Mr. GUNCKEL. Are these numbers obtained by census or are they merely an estimate?

Mr. SMITH. Except with the Sioux, and possibly with one or two of the smaller bands of Apaches, they are counted on the issue of rations.

Mr. GUNCKEL. Are the Indians seen and counted by the agents?

Mr. SMITH. They are; or their lodges are counted. The Apaches are seen; for, with the exception of a single band, they are all on the

rolls, and are paid by the heads of families. As to the Crows, there never has been a disposition on their part to hinder a count. The Sioux have always declined to allow themselves to be enumerated. My estimate of the Sioux, given this morning, is corroborated by a report received to-day from one of their largest bands. They demand rations for some 17,000; but the agent issued them rations for only 13,000, and he is tolerably satisfied that there was about that number there.

The CHAIRMAN. Have you an estimate of the whole number of Indians that receive rations and annuities?

Mr. SMITH. I have never classified them in that respect; but there is not far from 75,000 Indians who are fed with beef, and bacon, and flour, and coffee, and sugar.

The CHAIRMAN. How long during the year are they fed?

Mr. SMITH. Nearly all the year. There are times when perhaps half of them will be off for a month or two, or for three or four months. They are always entitled to come in and get rations.

The CHAIRMAN. Is the supply kept ready at all times for the whole number of Indians?

Mr. SMITH. Yes, sir.

The CHAIRMAN. On what kind of a requisition are the rations issued? How is it ascertained how many at any time apply for provisions? Is it by marching up the tribe, or is it on the requisition of some chief?

Mr. SMITH. Ordinarily the band is enrolled. The chief is responsible for so many men. He comes in with a few of his head-men to draw rations for his band, and, ordinarily, most of the heads of families come to pack the provisions for themselves. In Arizona, with the exception of one band, they come up to a roll-call and draw their rations.

The CHAIRMAN. Are those hostile Cheyennes, Kiowas, and Comanches fed?

Mr. SMITH. Yes, sir.

The CHAIRMAN. Where do they get their provisions?

Mr. SMITH. At Fort Sill and the Cheyenne agency.

Mr. MACDOUGALL. Have you ever visited these different bands?

Mr. SMITH. I have visited those in the Indian Territory, and the Apaches in Arizona, and the Sioux in Dakota along the river. I have never been to the Red Cloud and Spotted Tail camps.

Mr. ALBRIGHT. Do you receive complaints that the Indians are badly treated by the soldiers in some places, and that trouble arises from that source?

Mr. SMITH. No, sir; I have received no complaints of that sort. The soldiers under the present arrangement have nothing to do with the Indians, except on the call of the agent, unless the Indians are off the reservation and marauding, in which case they have no cause to complain if they are roughly treated.

Mr. MACDOUGALL. Do you find that the Indians complain very frequently without cause?

Mr. SMITH. O yes, sir, constantly. They are like children in that respect. They are never sure that they have got all that they are entitled to.

Mr. HUNTON. Are rations issued to any Indians except those on reservations?

Mr. SMITH. No, sir; not as a rule. There have been some rations issued to some Utes and other Indians wandering around Denver and in some parts of Utah and Nevada; but that has now ceased by order. The question was asked me to-day as to how many Indians there are in Washington Territory. The enumeration is 14,000 and in Oregon 12,000.

Mr. NESMITH. Can you state the entire expense of the Indian Department during the last fiscal year?

Mr. SMITH. No, sir, I only know the amount appropriated; but that will not cover the whole expenditure on account of some deficiencies that have to come in.

Mr. MACDOUGALL. Is the number of Indians increasing or diminishing?

Mr. SMITH. Probably on the whole decreasing, but, whenever the Indians are brought on reservations and are kept from intertribal fights, they increase unless there comes an epidemic. Civilization does not destroy them. I have spoken of the Indians in the Indian Territory as hostile. I do not mean to say that they are hostile, only in this sense, that they decline to surrender their raiders. It is a very small portion of them who in any manner break over their treaty obligations, but these the others decline to surrender, because they say they are not able to do it.

Mr. ALBRIGHT. Is there any conflict among the different agents with reference to the management of the Indians?

Mr. SMITH. No, sir; I do not know that there is.

Mr. ALBRIGHT. They have no different policy in regard to the management?

Mr. SMITH. There is a hesitation on the part of some of the agents, who are peace men by principle, to adopt any severe measures. There is something of a standing protest against any effort to call on the military in any way that will result in bloodshed. That is true of those men in the Indian Territory. These are the only tribes where that principle comes into operation.

Mr. MACDOUGALL. These Indian agents are all in favor of the peace policy, are they not?

Mr. SMITH. Some of them have no objection to an Indian, who is marauding, being punished thoroughly, but the Friends object to taking any hand in it as a matter of principle.

Mr. GUNCKEL. Are the Indian agents and military officers in sympathy with each other?

Mr. SMITH. As a general thing they are quite so. I think that whenever agents and officers come together on reservations they practically agree and work quite harmoniously. Sometimes, at a distance, there is an inclination for more severe and prompt measures, which does not always reflect the sentiments of the officer, who is right at the post and who sees the difficulties, and sees what the Indian agent has to contend with, and understands what would be the result of an immediate attack.

Mr. NESMITH. Do you issue clothing to the Indians on reservations?

Mr. SMITH. Yes, sir; the Sioux, by treaty, have a very fine clothing contract.

Mr. NESMITH. Then these fellows do nothing but wear out clothes, and consume food, and hang around the reservations, without working?

Mr. SMITH. A portion of the Sioux are beginning to work, just feeling their way to it. They are putting up houses, getting wagons, and plowing land. The effort of the Bureau is all in that direction. If you take a wild Indian, you have to handle him some little time before you can break him into work, but he comes down after a while. He never will, though, so long as he is fed and clothed and has no reason for labor. You cannot reduce him to toil until you can bring some want upon him. That is the reason why these Red Cloud and Spotted Tail Sioux will, sooner or later, have to come under military restraint.

Mr. MACDOUGALL. Do you think it would be good policy to delay that, if it is necessary?

Mr. SMITH. The only reason for delaying it is the expense. You cannot fight these Sioux without great expense. I asked General Ord for some troops to go up there this year; I wanted a company of soldiers to protect the agent so that he could count the lodges. General Ord said that he could not send a company; that no military force ought to go in there short of ten companies. He said the time was not far distant when these Sioux would have to be put under military control. I asked him if the military were ready for it now, supposing that we should call on him. He said that he was not, on account of want of an appropriation, as a single year's campaign there could not be carried on short of \$10,000,000. Well, that will feed the hostile portion of the Sioux for twenty years, and by that time something else will happen to them. It is only a question of economy and possibly of humanity, though I think that if these hostile Sioux could be coerced it would be just as humane to them as to feed and demoralize them, taking all the manhood out of them by making them vagabonds.

Mr. MACDOUGALL. What, in your judgment, has been the effect of the Quaker treatment on the Indians?

Mr. SMITH. I think that, on the whole, it has been very good. But an Indian agent who from conscientious scruples cannot call upon the military to aid in the arrest and punishment of marauders should not be placed in charge of one of these wild tribes. I think the strictly non-combative principle has gone as far as it ought to go in the Indian Territory. There should be something positive there now. The Government ought not to feed and clothe Indians and allow them, on the plea that they cannot themselves arrest a thief or murderer, to harbor him, and have him draw rations and clothing at the same time with them.

Mr. HUNTON. Out of the 330,000 Indians in the United States, how many are regarded as hostile?

Mr. SMITH. In the sense in which I have spoken of them, not far from 60,000; perhaps 65,000. But only a small portion of them will maraud, but the main body will not deliver them up or prevent their robbing.

The CHAIRMAN. What proportion of the 65,000 would themselves be guilty of marauding?

Mr. SMITH. Not one in ten or fifteen of the warriors.

The CHAIRMAN. How many warriors would there be in 65,000?

Mr. SMITH. About one in four and one-half or five.

The CHAIRMAN. That would make the number of marauders about 1,000.

Mr. SMITH. Yes. But, when you undertake to punish one of that thousand, the others of his tribe will stand by him. Ordinarily, the raiding is done by the young fellows between fifteen and twenty-five years of age. Probably there are not 3,000 Indians in all the country who are not related to the Government by some sort of obligation, and they are mainly in the Sioux country, and many of them are reported within a few weeks as desiring to come in and treat with the Government.

WASHINGTON D. C., *January 14, 1874.*

Major J. W. POWELL appeared before the committee in response to its invitation.

The CHAIRMAN. State to the committee the length in time and the extent of your travels among the Indian tribes within the last few years.

Major POWELL. For about six years past I have been with that group of Indian tribes which has been called *Nuñas*. That embraces all the Indians in the district commencing on the northern line of Oregon, at the point where that line crosses the Sierra Nevadas, and following the crest of the Sierra Nevadas southward, to Walker's Pass, in Southern California; east from that point to the Colorado River, at the southern extremity of Nevada; thence northeast to the San Juan, in the southeastern corner of Utah; thence to the crest of the Rocky Mountains, in Colorado, about midway of the southern line of the Territory; thence north, following the crest of the Rocky Mountains, to a point midway on the northern line of Colorado Territory, and from thence in a northwest direction, following the crest of the Wind River Mountains and the mountains which separate Montana from Idaho, to a point opposite the northern line of Oregon and from that point to the point of beginning. That embraces a territory of about 450,000 square miles. There are about one hundred and twenty Indian tribes there, all belonging to one great race of Indians, speaking dialects of the same language, so that the extremes of those dialects are about as far apart as the Spanish and Italian languages. There are probably about fifty quite distinct dialects in the territory, though the people can all communicate with each other to a greater or less extent. I have also visited some other Indian tribes, but the Indians whom I have just been mentioning are Indians whose language I have been studying. I am preparing grammars and vocabularies of those languages, and thus I have become more familiar with them, having been in their camp a good deal of the time; more than with other Indians. I have been among the Navajoes of New Mexico, and somewhat among the Pueblo Indians of New Mexico and Arizona.

The CHAIRMAN. As definitely as you can, go over the principal of those Indian tribes, indicating to us whether they are disposed to be hostile or mischievous toward the whites, and whether they require the repressing power of a military force.

Major POWELL. There are about sixteen hundred Utes in Western Colorado whom I wish to except from the general statement that I am now to make. All the other Indians within the territory I have described have been pretty thoroughly subdued, and are cultivating the soil to some extent. They are scattered over the country in little bands. All of that territory was parceled out into districts, and to each district belongs a tribe. Among the Indians there is no word synonymous with tribe or nation; but they have a word synonymous with land or country. If you ask an Indian to what tribe or nation he belongs, you must ask him, What is your land? Every Indian takes the name of the valley or district of country in which he lives. That was probably true of all the Indians of North America, and is certainly true of all the Indians west of the Rocky Mountains. The boundaries of these lands are well defined, and fifty or one hundred or two hundred or three hundred Indians belong to a certain district and take the name of that district. Sometimes two or more of these are united into a confederacy for offensive or defensive purposes. Such a union is temporary and quite unstable, so that these Indians are scattered in this way, and hold allegiance only to their own chiefs. In order to treat with these Indians, it is necessary to meet each tribe by itself, or at least the chief of each tribe. They are cultivating the soil a little, digging roots, gathering seeds, killing some rabbits, catching some fish, and killing a little game—not much—begging a little, and pilfering a little.

I visited sixty-six of these tribes, and made a census of them. I

found none that did not beg for land. They all fully appreciate the utter hopelessness of contending against the Government of the United States. They all want land and cattle. They are cultivating the soil a little, and would do it more if they could be protected in the use of the land. But they settle about a spring, and the white man wants it, and takes it, of course. The white man can enter it and take it under the law, and get protection in his right to the land, but the Indian cannot. California, Nevada, and Utah, and much of Colorado (taking out Eastern Utah and Western Colorado) are thickly settled. That is, they are more thickly settled than the Middle States in proportion to their agricultural capabilities. Mining in that country is creating a demand for the products of the soil. Grain in Nevada is worth from three to ten cents per pound, and hay from \$25 to \$100 a ton, and fruit is high in the same proportion, and every piece of country that can be cultivated is seized upon. Land in itself is of no value in that country, but water is of value, and the white men seize the water-rights, and the several States and Territories have laws that protect them in such rights. In all that country, excepting a part of California, there is not an acre of land that can be cultivated without irrigation. So the white people seize this water, and the Indians can no longer cultivate the soil, but they are anxious to obtain possession of land and cultivate it.

The exception to the statement I have made is in Western Colorado. There there is a district of 13,000,000 acres, set apart by treaty with the Utes, as a reservation, in which there is a good deal of gold and silver, probably. And I know that there is a vast amount of very good coal, some farming-lands, &c. In that country there is an abundance of game, and the Indians there have never been thoroughly subdued, and they do not desire to cultivate the soil.

Mr. HAWLEY, of Illinois. How many of them are there ?

Major POWELL. About 1,600. The Indians in the Territory which I indicated a few minutes ago number about 10,000, but they are carried on the books of the Indian Department as 28,000.

The CHAIRMAN. What opportunities had you for taking this census ?

Major POWELL. There were certain Indians of whom the Department had a definite census. Those I did not visit. The number of Indians belonging to the reservation at Fort Hall, in Idaho, were well known. The numbers at Pyramid Lake reservation and at Walker River reservation were also known. The Indians at Malheur, in Eastern Oregon, were well known. The other Indians were off reservations, scattered about the country, and their numbers were not well known. But when we came to count those Indians who were off reservations we found them less than one-fourth of what they were supposed to be. Taking the census of those who were off reservations and adding them to those on the reservations, makes a little over 10,000.

The CHAIRMAN. Did you do this under the authority of the United States ?

Major POWELL. Yes ; at the request of the Secretary of the Interior.

Mr. HAWLEY, of Illinois. In what States and Territories did you make the census of which you speak ?

Major POWELL. In Utah, Nevada, Arizona, California, and Southern Idaho.

Mr. HAWLEY, of Illinois. What number of Indians did you find within the limits of those States and Territories ?

Major POWELL. Ten thousand four hundred and thirty-seven. There is a reservation south of Central Oregon called Klamath, and another

reservation known as the Warm Spring reservation in Northern Central Oregon. The Indians on those reservations were Indians who originally belonged on the other side of the mountains, and who were taken from the settlement there across the mountains to get rid of them.

There are three agencies at which the Utes of Western Colorado report, one at White River, one at Denver, and one at Los Pinos. The Indians at White River I have lived among, spending eight months consecutively with them at one time. They are carried on the papers of the Indian Department as being a little over 3,000. About three-fourths of those tribes this summer met a special commissioner, Mr. Brunot, and signed an agreement for the ceding of certain lands which are occupied by miners; 298 persons signed the agreement, one refusing to sign it. By my own judgment of the population, and by the facts exhibited in the signing of this paper, I am led to the conclusion that there are no more than 1,600 Indians, although they are borne on the papers of the Indian Department as over 3,000.

The CHAIRMAN. State the disposition of those Indians toward the whites—whether mischievous, hostile, or friendly.

Major POWELL. All of those Indians are at present friendly, and all of those, excepting the Indians in Colorado, are anxious to become farmers and are begging for land and cattle and are accumulating cattle.

The CHAIRMAN. What is their capacity for mischief? Are the settlers able to take care of themselves?

Major POWELL. They are, except as to those Indians in Colorado. With the others there is no trouble at all. The presence of the troops among them is bad. In the first place the troops are a standing menace to the Indians. Then the Indians have a vast horror of troops, not so much on account of their being fighting-men as on account of their introducing diseases among them.

The CHAIRMAN. What proportion of settlers generally go with their families out there?

Major POWELL. A good many go with families. The Indians, however, blame all these diseases to the soldiers.

Mr. YOUNG. How many of these Indians are in a state of hostility to the Government?

Major POWELL. None of them whatever.

Mr. YOUNG. Then you have already given your opinion that there would be more peace and quiet on the frontier without the troops, or if they were entirely withdrawn?

Major POWELL. Yes, sir; I am speaking of certain bands who are already subdued. I have made exceptions of the other.

Mr. ALBRIGHT. Are the Indians entirely secure, if the troops are withdrawn, from the encroachments of the frontiersmen who come into the country?

Major POWELL. I think they could be made secure by other means better than with military power. The original policy was to remove the Indians from the east to the western country, and the wild tribes were thus reinforced by the addition of half-civilized Indians from time to time; but now there is no more unexplored and unoccupied country to which the Indians can be driven. It is necessary to pursue a policy toward the Indians adapted to this changed condition of affairs. When there was a great unknown district just beyond the frontier where lines of settlements were growing up, it seemed necessary to protect this frontier by troops, who were minute-men, to go out and defend the settlers from sudden attacks or surprises. This state of affairs no longer

exists, and we should no longer deal with the Indians as if they were distinct nations or had independent governments, but we should deal with them as individuals, and when an individual Indian or a number of them are guilty of crimes some means should be provided by which the guilty parties could be brought to justice, rather than to continue the present method of punishing tribes or the Indians at large for the offenses of such individuals. What is now needed for the Indians under consideration is not some means for wholesale punishment, but some means to secure justice between Indian and Indian, and between white man and Indian. As at present managed it is something like this: A hungry Indian steals a beef, or a tired Indian steals a horse; white men set out in search of the thief and kill the first Indian they meet; the Indians then retaliate, and the news flashes through the country that there is an Indian war on hand; troops are sent to the country, and a trivial offense costs the Government the expense of an Indian war. In the sequel no justice is secured, the proper Indians are not punished, and usually in such a case the white men of the frontier are greater sufferers than the Indians, as these last have no great amount of property to lose, and their knowledge of the wilderness and their customs of stealthy warfare are such that it is impossible to punish them severely, except by means which are repugnant to civilized minds.

I am decidedly of the opinion that the military method of dealing with the Indian offenders is altogether bad, failing to secure justice between Indians and whites, and between Indians and Indians, entailing upon the white men of the frontier much loss of property, some loss of life, and keeping up a state of constant terrorism among them, and that altogether it is excessively expensive.

The Indians themselves fully appreciate this method of wholesale and indiscriminate punishment, and think it strange that we should hold all the Indians responsible, or, at least, whole tribes responsible for the bad deeds of a few, and are always ready to cite scores of examples of such treatment received by them from the whites in justification of their own offenses which are similar.

Some system should be devised by which the guilty parties themselves could be brought to justice, and by which the Indians could be made to assist in the execution of justice, as in capturing and delivering over criminals.

The CHAIRMAN. Would the Indians surrender these criminals?

Major POWELL. Yes, I think they would surrender them, if some civil means were taken of arresting thieves and murderers among the Indians instead of punishing a whole tribe.

The CHAIRMAN. Are you sufficiently acquainted with those Indians to say that it is your belief that they would surrender all criminals and outlaws?

Major POWELL. No; I would not make such a broad statement, but I think that they would very often do so. Circumstances might be such that they would take the part of the man who committed the crime, but I think a system could be organized by which those criminals could be arrested. As it is now, there is no effort made to arrest them, only an effort to punish the Indians in general.

Mr. ALBRIGHT. Are the Indians entirely secure if the troops are withdrawn, from the encroachments or depredations of frontiersmen? In what way would you administer justice without some power to enforce it?

Major POWELL. I do not see that the presence of the troops has ever to any great extent been instrumental in securing justice to the Indians as against the whites. That has been a very rare thing indeed. Here,

for example, is a reservation of 13,000,000 acres in Western Colorado. We are bound under treaty stipulations to secure the Indians in the possession of that reservation. But the white men are going in there and settling it because there is gold and silver and coal found there. And they will continue to do so.

The CHAIRMAN. To what extent ?

Major POWELL. To the settlement of all that country, because the reservation is too large for those Indians, and it is against the sentiments of the white people that the Indians should occupy so much land. You cannot keep the prospectors out of that country unless you have an army of 50,000 men there. The difficulties to be settled between the whites and Indians, so far as the aggressions of the whites are concerned, refer only to the preservation of that reservation. That can be done by military means, if it is thought best, or it can be done by civil means. But if a limited reservation were set apart for the Indians—I mean of small size—then there would be no difficulty in keeping white men out of it. The Uintah reservation in northeast Utah is such a one as I mean. It contains 1,800,000 acres, and no white man has ever settled there, although gold and silver have been found there. As soon as an attempt is made to locate a claim there the agent warns the miners that that is Indian ground, and they leave it. But they have not done so in this large reservation.

Mr. ALBRIGHT. Is it a fact that the Indians are frequently subject to outrages from the settlers and frontiersmen ?

Major POWELL. Yes, I think it is.

Mr. ALBRIGHT. If there were no military force there, how would you enforce any civil processes against those wrongs ?

Major POWELL. The trouble is now that it is not enforced, by any means, and I don't see how it can be.

Mr. ALBRIGHT. Then you regard the Indians' rights as hopeless ?

Major POWELL. I do, as the Indians are scattered about the country. I think the only thing to be done is to gather them on reservations where they can be protected.

The CHAIRMAN. Your policy would be to have small reservations ?

Major POWELL. Yes; I would take them on small reservations and supply each reservation with a pretty strong force of men, and make the agent and his assistants police officers to punish the Indians who do wrong.

The CHAIRMAN. Would you use military men for that purpose ?

Major POWELL. I would not. In case of war I should employ the citizens of the country rather than soldiers. I would enlist the Indians and frontiersmen rather than take regular troops.

Mr. GUNCKEL. Have you generally found that officers and soldiers of the Army were friendly or hostile to the Indians ?

Major POWELL. Some of the officers were very friendly to the Indians, and I have seen some of them very much in earnest in protecting and caring for the Indians. On the other hand, I have seen others who thought it a very good thing to kill an Indian, and who would boast of it. Among the soldiers it is almost invariably the case that they like to kill Indians.

Mr. GUNCKEL. Generally, are the officers and soldiers in sympathy with the peace policy of the Government ?

Major POWELL. I should say that generally they are not, though many of them are. I should say that generally they think the best thing that can be done is to kill the Indians off.

Mr. YOUNG. You would be in favor of contract-soldiers, would you ?

Major POWELL. Yes; I think that a territorial marshal or agent, or an officer of the Army of the United States, enlisting a company there on some system of that kind, can be made use of for the punishment of Indians much better than by the employment of regular troops.

Mr. YOUNG. When you get these fellows together they punish the Indians too much. That is the trouble. A contract-soldier is the most expensive animal you can get hold of.

Major POWELL. It depends on what you want done. If you want to punish the Indians, I think a company of volunteers is better able to do it than regular troops, and would do it as humanely as the soldiers of the Regular Army.

Mr. ALBRIGHT. You say that you would organize a sort of police force through the marshal and a *posse comitatus*. Would not that be the most expensive of all means to enforce discipline?

Major POWELL. The money given to the Army in this district of country, where the Indians are already subdued, if used in the management of the Indians themselves, would take them out of the country, to gather them all on reservations, even in Illinois, and purchase the lands necessary for them, and induce them to come to them.

Mr. ALBRIGHT. I asked you as to the relative cost of the two systems—that of the military or that of the marshal, with the *posse comitatus*.

Major POWELL. I suppose that to keep up a fort with half a regiment of soldiers does not cost less than half a million dollars a year, and that regiment of soldiers can reach perhaps ten tribes of about 1,000 Indians.

Mr. MACDOUGALL. Do you belong to the Indian Bureau or to the Army of the United States?

Major POWELL. To neither; but I was employed for a few months this summer to visit certain Indians in Utah and Nevada, for the purpose of preventing hostilities there. I was employed by the Indian Bureau—by the Secretary of the Interior.

Mr. HUNTON. Do I understand you to say that, in your opinion, the marshal of those several districts, with power to call on a *posse comitatus*, would keep the peace and administer justice better between the whites and Indians than the Army does?

Major POWELL. I think so.

Mr. HUNTON. At comparatively less cost?

Major POWELL. Yes.

Mr. HUNTON. You cannot form an estimate of the difference of the cost?

Major POWELL. I cannot. I should say, in a very general way, that it would not cost one-tenth as much.

Mr. YOUNG. Did you travel among those Indian tribes in any other interest besides that of the Indian Bureau?

Major POWELL. I was sent there by the Smithsonian Institution to study the Indian language. The Smithsonian secured an appropriation from Congress for the last three years to assist in carrying on that work. I was interested in the study of the Indians.

Mr. GUNCKEL. What do you want of a dictionary and grammar of their language?

Major POWELL. It is a question of philology and ethnology; a question of the relation of the Indian tribes to each other and to humanity at large.

Mr. YOUNG. Do you think you could go among all those Indians with safety to yourself?

Major POWELL. I should have no hesitation in going among any Indians in the country.

Mr. YOUNG. You have been among these hostile Indians ?

Major POWELL. Yes, sir.

Mr. YOUNG. Alone ?

Major POWELL. Alone, or sometimes with a small party.

Mr. YOUNG. And you do not find them disposed to be hostile ?

Major POWELL. No, sir ; I had the advantage of speaking their language, and of their knowing something of me ; so they treated me as a friend.

Mr. ALBRIGHT. You do not regard the policy pursued toward the Indians by the Indian Department, or by the military department either, as the correct policy ?

Major POWELL. I think that the policy pursued by the Indian Department is in part correct. I think we should at once collect all these Indians on reservations.

The CHAIRMAN. From your observation, would you say that it would be safe to do so, without increasing hostilities on the part of those Indians ?

Major POWELL. Yes ; with the exception I have made, I think that the peace of the country would be secured.

The CHAIRMAN. Can these tribes, except the Utes of West Colorado, be collected upon small reservations with safety ?

Major POWELL. Yes, with safety, and better without the presence of troops than with it.

The CHAIRMAN. And can they be induced to go into agricultural pursuits ?

Major POWELL. They have agreed to do so. I met sixty-six tribes last summer. They said that if the Government would give them a title to land they will go to work.

The CHAIRMAN. Were your conversations with men in authority ?

Major POWELL. Yes ; I have sat up a good part of the night for twenty-five or thirty nights this summer in Indian councils.

The CHAIRMAN. Are the Indians armed ?

Major POWELL. Yes ; partly with fire-arms and partly with bows and arrows. The Indians in Colorado whom I have excepted are well armed with guns, and have plenty of horses.

The CHAIRMAN. Where did they get their arms ?

Major POWELL. Partly in Utah and partly in Colorado.

The CHAIRMAN. Do they get them from military post-traders, or from Indian traders ?

Major POWELL. I think not. They go to the sutlers for them.

Mr. MACDOUGALL. What kind of arms have they ?

Major POWELL. Generally muzzle-loading muskets, but they have some breech-loaders.

The CHAIRMAN. Have they extensive supplies of ammunition ?

Major POWELL. No, sir ; only temporary supplies.

Mr. MACDOUGALL. You say that you were sent there last summer to look after the Indians ; by whom were you sent ?

Major POWELL. By the Secretary of the Interior.

Mr. MACDOUGALL. For what purpose ?

Major POWELL. For the purpose of preventing any outbreak of hostilities and to prevent the Indians of that country from uniting with the Modocs, or, after the Modoc troubles, uniting with each other in a common war, and to see if they were willing to go to reservations.

Mr. MACDOUGALL. To what extent did you find them inclined to join the Modocs ?

Major POWELL. I found them everywhere afraid of the white people, and flying to the mountains for fear that the white people were going to kill all the Indians.

Mr. MACDOUGALL. What tribes were those ?

Major POWELL. The tribes known as the Shoshones, Gros-Utes, Pah Utes, Pi-Utes, &c.

Mr. MACDOUGALL. What, in your judgment, led to the Modoc trouble ?

Major POWELL. My knowledge is derived so much from newspapers that my judgment is not worth much.

Mr. HUTTON. Do you know anything of the Indians east of Western Colorado—the Indians of the plains ?

Major POWELL. Very little ; I have traveled through them, but I do not speak their language.

Mr. MACDOUGALL. Where do you reside ?

Major POWELL. At Washington City.

Mr. ALBRIGHT. If the Indians were removed to small reservations, and were supplied with agricultural implements, would they not have to be supplied by Government with the other necessities of life ?

Major POWELL. Yes ; I think they would for a year or two at first. On those reservations there are no valuable hunting-grounds ; that is, the game is gone. And if you are to keep them on the reservations it will be necessary at first to furnish them with a part of their food at least, and with some clothing.

Mr. MACDOUGALL. Would they have to be fed or cared for by the Government to any greater extent than they are at present ?

Major POWELL. I have estimated that, and consider that, for the Indians I have spoken of on the four reservations, an increase of about \$200,000 over the appropriation made for them last year would be required.

Mr. ALBRIGHT. Would they find a market for their produce in excess of what they would need for themselves, with the advantage of buying the other things that they could not raise or procure among themselves ?

Major POWELL. Yes ; and a very good market, too. There is a good market for all the products of the soil in all those mining countries. Take Nevada, for example. It is not possible to cultivate one per cent. of the State of Nevada. There is not water enough in the State to allow the cultivation of one per cent. of the land.

Mr. ALBRIGHT. You have a definite idea as to where you would locate those Indian reservations ?

Major POWELL. Yes ; I have visited different parts for the purpose of examining them this summer.

Mr. MACDOUGALL. Your judgment is that the reservations already given to the Indians are entirely too large ?

Major POWELL. That one reservation to which I have alluded is too large. I propose that all the Indians of the district I have described should be put upon these four reservations ; a part at the Malheur reservation ; a part at Fort Hall ; a part at Uintah ; and a part at the Pah-Ute reservation in Nevada, and let the other reservations be all broken up.

Mr. GUNCKEL. You say you could make this change for \$200,000 ?

Major POWELL. For \$200,000, in addition to the appropriation made last year for the same Indians.

Mr. GUNCKEL. Suppose this was done; what would you save to the Government?

Major POWELL. I cannot state exactly, and there would be no saving to the Government except through the withdrawal and discharge of the troops who are now stationed in the country for the purpose of overawing the Indians. I suppose there were nearly 2,000 soldiers stationed within this Territory during the past year. A comparison of the number of soldiers in the Army with the appropriations made for the support of troops, shows that the soldiers on an average cost about \$1,000 per man. If this estimate is true, as I suppose it to be, approximately, the expense to the Government in keeping troops in this country is about \$2,000,000, and the expense to the Government for the Indian service of that same year was less than \$200,000. The two are very disproportionate, when it is considered that the Indians were not hostile.

Mr. ALBRIGHT. Could all these tribes be put upon these four reservations?

Major POWELL. Yes. What I speak of as a tribe is one of those land divisions.

Mr. ALBRIGHT. The Indians are sufficiently homogeneous to let them live together?

Major POWELL. I should have no hesitancy in saying so.

WAR DEPARTMENT,
SURGEON-GENERAL'S OFFICE,
Washington, D., C., January 14, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, concerning the number and pay of civilian employes and detailed enlisted men as reported to you in the letter from this Office of the 10th instant. In reply I have to inform you that the letter of January 10 included the number and "aggregate" pay per month of the entire Medical Department of the Army; *not* of those employed in the *Surgeon-General's Office* in this city *only*. The cost per man of each of the classes named in that letter is as follows:

That of enlisted men employed in this city on extra duty varies with the term of enlistment, and the year thereof in which they are serving, on account of the difference in additional and retained pay and clothing allowance. The average cost per man of this class for the month of December was \$102.13.

That of hospital-stewards on extra duty in medical directors' offices, &c., and cooks and nurses in post-hospitals cannot be computed, as shown in the letter of January 10.

That of civilian clerks, &c., in the Surgeon-General's Office is as follows: 1 chief clerk, at \$2,000 per annum; 1 clerk of class 3, at \$1,600 per annum; 2 clerks of class 2, at \$1,400 per annum; 8 clerks of class 1, at \$1,200 per annum; 1 messenger, at \$840 per annum; and 1 laborer, at \$720 per annum.

That of physicians employed under contract at various stations throughout the country varies from \$20 to \$150 per month, according to the station and the duties required of them. The average of their pay per month is \$113.68.

That of the remaining civil employes is as follows: Apothecaries: 1 at \$125 and 1 at \$100—average, \$112.50; engineer, \$100; carpenter, \$100; engraver, \$100; photographer, \$100; clerks, (in purveying depots,

&c.,) from \$75 to \$150—average, \$131.92; messengers, (in medical directors' offices, &c.,) one at \$15 and one at \$50—average, \$32.50; laborers, (in purveying depots, &c.,) from \$45 to \$70—average, \$53.66; packers, (in purveying depots,) from \$30 to \$100—average, \$73.75 per month.

Very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General.

Hon. JOHN COBURN,
*Chairman Committee on Military Affairs,
House of Representatives.*

WASHINGTON, D. C. *January 15, 1874.*

G. W. INGALLS appeared before the committee, in response to its invitation, and was examined as follows:

By the CHAIRMAN:

Question. State what connection you have with the Government officially.

Answer. I am agent of the Piute Indians.

Question. How long have you been connected with the Indian Department?

Answer. Eighteen months.

Question. State to what extent your acquaintance with the Indian tribes goes.

Answer. My experience until within the last eight months was principally with the Putes. Since then I have been especially commissioned by the Secretary of the Interior to visit other tribes.

Question. What duties have you been doing and what other tribes have you seen?

Answer. I have been acting as a special Indian commissioner for the purpose of examining into the condition of Indians in Idaho, Utah, Nevada, Arizona, and Southeastern California, in explaining to them, fully, the reservation policy of the Government, and, as far as practicable, in taking a census of those Indians. I have a summary of that census, (showing it to the committee.) Major J. W. Powell was associated with me in this commission-work.

These several tribes have been carried on the books of the Department and are now reported to be in the neighborhood of 30,000 Indians. But, by this census, we show that their number does not exceed 10,500 Indians in the entire territory which we have covered, embracing Idaho, Utah, Northern Arizona, (about a quarter of Arizona) Southeastern California, and Nevada.

By Mr. NESMITH:

Question. How was that census taken; by actual count?

Answer. Yes. We visited every band where we did not find them at their accustomed places of living, and we would send out an assistant commissioner and invite several tribes to meet us at some point, and would remain there from one to ten days for the band or tribe to come in. We would make arrangements to subsist those bands that came from a distance, and would thereby hold them in council with us as long as desired.

Question. Were there not a good many smaller parties scattered over the country, which you did not meet?

Answer. In that case we took the leading men of the tribes, and, as we had presents for the Indians, we would ask how many of their tribe they had left at home, in order to send presents to them, and the number absent from any tribe hardly ever exceeded a dozen or fifteen.

Question. Have you got an enumeration of the Apaches there?

Answer. No; we did not go as far south as the Apache country.

Question. Have you got the enumeration of the Nez Percés?

Answer. Yes, sir; though we did not visit them. We got that through General Shanks on our arrival at Salt Lake City.

Question. How far down into Idaho did you go?

Answer. I went up just north of Fort Hall.

Question. You did not go to Boise City and through that country?

Answer. No, sir. We were invited to visit especially the northwestern bands of Shoshones, whose range is southeast of that.

Question. And you were not west of that mountain-range which divides Idaho?

Answer. No, sir. In fact I did not take the complete census of the Indians of Northern Idaho. That was under the jurisdiction of General Shanks's commission.

By the CHAIRMAN:

Question. State what the disposition of these Indians is toward the whites, as to their making depredations on whites, or as to their having a spirit of hostility or mischief toward them.

Answer. In the country which we visited we found the Indians, without exception, peaceably disposed toward the whites.

Question. Did you ascertain whether that was in consequence of the presence of military power, or whether it is the disposition of the Indians to be friendly without that?

Answer. I think it is very largely to be attributed to the effect of subjugation arising from military force in years past, (previous to the last ten years,) and to the combined action of the United States authorities and of the Mormons. The Mormons have had jurisdiction over a large part of that country which we traveled. At present, the influence of the Mormons is more circumscribed.

Question. My question applied to the present presence of military force, and whether Indians are peaceable now, because they have to be, in the presence of military force?

Answer. No, sir. I think they were completely subdued, (in years past,) and it is on account of the kind treatment they are now receiving at the hands of the Government and from some of the whites who surround them, without any influence whatever from the military power.

By Mr. GUNCKEL:

Question. What, in your opinion, would be the effect of a partial or total withdrawal of United States troops?

Answer. I think it would be a very pleasant and a very profitable one to the Indians.

By the CHAIRMAN:

Question. Would they be overrun by white marauders and intruders, and suffer in consequence of that?

Answer. I think they would be, unless the several reservations located in that country referred to were properly supplied with good, efficient men, not only as agents, but with subordinates, such as farmers, blacksmith, miller, carpenter, physician, teachers, and assistants, all men

of good morals, *true* men, who are engaged in the work from their heart. Such a force, I think, would be sufficient to control any outside marauders.

By Mr. DONNAN :

Question. What would be the effect of the withdrawal of the troops, on white settlements, as to their safety against Indians ?

Answer. I think the settlements would be perfectly safe. I gather this opinion from an intimate conference with various settlers in different places in Nevada, Utah, Arizona, and Idaho. When I speak of a conference with settlers, I refer to the better portion of settlers. I found exceptions to that sentiment with men who are engaged in liquor traffic, and men who are in there for a short time without any permanent occupation, or those who are interested in securing Government contracts, and in the ruder class of society which is usually found in a border country.

Mr. GUNCKEL. If I understand you, then, in your opinion, in all that territory the presence of United States troops is not necessary to protect the Indians from the whites, or the whites from the Indians ?

Answer. That is my candid opinion. I conversed, while in Nevada, with several members of the Nevada legislature, with merchants, with men of property, rancheros, and stock-raisers, and I base my opinion on these conversations in stating that there is not any necessity for military, and they confirmed me in the opinion, which I had already formed, that the influence of troops among the Indians was demoralizing, and that there was more frequent troubles arising between the Indians and the settlers when the troops were in their midst, than there are at present. There are but very few troops around the large body of those Indians.

By Mr. ALBRIGHT :

Question. Did those Indians with whom you had conferences make complaints of bad treatment from any source or quarter which they wanted your influence to redress ?

Answer. Yes, sir. The ill-usage which they complained of was from some of the unprincipled settlers who surrounded them. Most of those Indians, you will understand, are off reservations, and I think that this condition of affairs will continue so long as they remain off reservations.

The CHAIRMAN. What would you advise to be done with those Indians ?

Answer. That they should be gathered into four different reservations : the Fort Hall reservation, the Uintah Valley reservation, the Pah Ute reservation, and the Malheur reservation.

By Mr. ALBRIGHT :

Question. In regard to the complaints and grievances which the Indians have against the white settlers, how would you propose to give them redress ? In what way would you right the wrongs of these Indians ?

Answer. I cannot say that there can be any redress, unless you withdraw them from their present surroundings and place them on reservations. I see no other hope for them whatever. Repeated complaints come to me from those Indians begging me to let them hold their present little patches of land which they were then cultivating, and to keep the whites from selling liquor to their men and from selling foolish and useless things to them. They said that when those of their number who worked, got liquor and powder, they would come into their camps debased and drunk, and that they would not work for some time, and,

while intoxicated, for a mere pittance they would dispose of all their lands and property.

Question. If you got the Indians on reservations, by what means would you keep them in there ?

Answer. By giving them such articles as would induce them to remain on reservations, in the way of food, clothing, implements of agriculture, mechanical implements, and other things to employ their time. Our instructions authorized us to promise these Indians all of these different inducements if they would remain on reservations, and I think that, with kind treatment on the part of the agents and assistants, they *would* remain there without any trouble. In fact, the general assent of most of the Indians, whom we visited, was secured, to go on reservations just as soon as the Government was ready to make good those promises, though some of them *would* have to go from three hundred to four hundred miles from their present homes. When we asked them if they would not give up their present nomadic life and follow an agricultural life, they refused at first, but after we remained and labored with them from three days to a week, we did finally receive their assent. The Indians admitted that they could not hold on to their lands ; that they could not get uniform kind treatment from the whites, and that, unless they are better protected by the Government, they could not stay there. The matter of going on reservations was one of faith with them. We assured them that they would be protected there, and they were willing to accept that promise.

By the CHAIRMAN :

Question. State whether or not your attention has been called to the military posts in that region, which you visited, and, if so, whether any of these posts, by concentrating Indians on these reservations, would be useless, so far as protecting either whites or Indians is concerned ?

Answer. (Referring to map.) I believe the presence of troops at Fort Bridger and Fort Hall is unnecessary.

Question. What forts or posts would, by the removal of the Indians, be remote from them ?

Answer. None of them very remote.

Question. So that the posts and military forts are now located at such places as that they would have to be continued, even if the Indians were concentrated on these reservations ?

Answer. So far as the Indians are concerned there would be no necessity for Fort Beaver, Camp Douglas, or Fort Bridger. They would be remote, if the Indians were concentrated on the reservations referred to.

Question. Are there any other posts or forts which would be remote from them ?

Answer. No, sir ; not within the border which I have described.

Mr. DONNAN. If the military posts there are unnecessary for the protection of the whites against the Indians, what is the occasion for the continuance of those military posts ?

Answer. I see no necessity for Fort Bridger. There is a camp located in the vicinity of the eastern band of Shoshones, and there is, I think, but little necessity for its existence. I conferred with the Indians, and also with some of the white people from their vicinity.

Mr. NESMITH. Are the white people anxious to have the forts removed ?

Answer. The better class of them are. The better class of people, the honest, intelligent, moral class, are indifferent to the existence of forts and troops in their vicinity, but the majority of the people there,

I am sorry to say, are usually the very lowest class of creation, and, as before stated, are interested in Government contracts, or desirous of getting them.

Mr. GUNCKEL. If the Indians were gathered on reservations, would you have troops and forts within the reservation ?

Answer. None whatever.

Mr. HUNTON. Or around the reservation ?

Answer. No, sir; none whatever. The Indians have a feeling, amounting to horror, at the presence of troops in their vicinity, and we often found this trouble, in moving successfully among the Indians this summer, harder to overcome than anything else. As soon as we came near an Indian camp many of them would run off to the hills, and we found that some miserable white man had anticipated our coming and had persuaded the Indians that we had a very large force of soldiers with us. It would take often two or three days before we could get these Indians back, to give us their attention. At the beginning of these discussions the first question would be : "Are there to be any soldiers brought here ?" "If we are to be taken to a reservation are there to be any soldiers on the reservation ?" We had to visit Belmont, Nev., three times before we could assemble Indians, on account of their dread of soldiers.

Mr. DONNAN. Had you soldiers with you ?

Answer. No, sir ; but the Indians were led to think there would be soldiers accompanying us. They would anticipate our coming three or four days.

Mr. NESMITH. This better class of white people, which you spoke of, had more dread of the soldiers than of the Indians ?

A. Yes, sir. They had a dread of the demoralizing influence of the military.

By Mr. McDougall :

Question. What is the moral condition of the military in that country ?

Answer. It is pretty bad ; it is very low. There is a great deal of debauchery among them in their relations with the Indians and a great deal of drunkenness among themselves.

Question. Do the Indians and soldiers get drunk together ?

Answer. Yes. In very many cases the soldiers carry liquor to the Indians. The morale of the soldier out there will not compare favorably with that of the Army during the last war. The committee is probably familiar with the class of men who now go into the Army as common soldiers, and when these men go out west there is no restraint whatever on them.

Question. Did you find the officers at those posts generally sober and temperate men, and attentive to their duties ?

Answer. That is rather a delicate question. I have frequently met officers who are exceptions, but, as a rule, they are gentlemen, and attentive to their duties.

Mr. NESMITH. You are speaking now of posts in the Rocky Mountain range. You were not on the Pacific coast ?

Answer. I was not at any of the posts in California, Washington, or Oregon. I was in Eastern Idaho, Utah, Nevada, Arizona. In travelling there I have been very careful not to take a rumor nor to get information from men who I did not think were proper judges of what they were talking about. Those who traveled and visited other parts of the

Pacific coast corroborated the same opinion which I formed in regard to these, that is, the forts farther west and farther south.

Mr. DONNAN. Then, in your opinion, the moral status of the Indians would compare favorably with that either of the military or most of the settlers?

Answer. Yes, sir. I think so, most assuredly.

By Mr. GUNCKEL:

Question. What have been the industrial habits of the Indians which you visited?

Answer. I should think that one-fourth of their number, male and female, (for one labors as much as the other,) are engaged in the cultivation of the soil. They have, until disturbed by the advance of white settlements, been given accustomed agricultural pursuits. They are an agricultural people. In conversing with them, through an interpreter, I inquired especially with regard to that, and found that, as far back as they could remember, and could gather from their ancestors, they had been an agricultural people, and their general demand was for land. They would say, "Give us land; give us a chance to farm, and protect us in our farm when we get it." Those who were not inclined to farming were very desirous of engaging in stock-raising. I give one of many cases that came to my attention: In Ruby Valley, Nevada, where they have been especially aided by the Government in farming, and furnished implements and stock, until the last three years, they tell me that, being unprotected, they lost the start they had had in stock, the brands of their cattle were altered and finally stolen by white ranchers, and when they endeavored to get their cattle back again they were threatened with soldiers, if they did not shut up their mouths and surrender their cattle. Then they were forced to sell their ploughs and other implements on account of their reduced extremity in surrendering their lands or their water-privilege, which amounts to the same thing; and last year there was considerable destitution among these Indians. Five years before they were very prosperous. When I submitted this reservation plan to them they said it was their only hope.

Question. Are any of them engaged in mechanical pursuits?

Answer. Not very many. In Arizona some few of them are, in the manufacture of blankets, &c.

Question. Have schools been established among any of those Indians with a view to educating their children?

Answer. Not any where we have been, except on the Pah Ute reservation, and within the last three months; and in that time fifteen of the children who were brought into that school have learned to spell short words, and some to write letters.

Question. Did you find any general disposition among parents to have schools established?

Answer. Very general, indeed. They say, "We want our children to read and write paper-talk the same as white men, and then we will know what the Government is doing for us, and white men among themselves and toward us."

By Mr. HUNTON:

Question. You stated a while ago that 30,000 Indians were carried on the rolls of the Department, when there were in fact only 10,000 of them. Did the Government furnish clothing and rations for the 30,000?

Answer. The supply was on the basis of that number.

Question. Has that enumeration been corrected since you reported it?

Answer. Not as yet, because the reports have not been published.

Question. When did you submit your report to the Indian Bureau?

Answer. Only verbally as yet. It will be submitted next week.

By Mr. ALBRIGHT:

Question. Then the agents actually received rations and clothing for 30,000 Indians, when there were but 10,000 to be fed and clothed?

Answer. Rations are not given to those Indians who are off reservations. All that are on reservations are fed and clothed.

Question. Then it is a fact that rations and clothing were drawn for a much larger number of Indians than there were to be subsisted and clothed?

Answer. I sustain that statement.

Question. Who got the benefit of that extra clothing and food?

Answer. I may relate one or two instances which came under my observation: Right in Nevada I found that the Indians at Battle Mountain, on the Central Pacific Railroad, (taking a line south through Austin and Belmont,) represented one-third of the western band of Shoshones and treaty Indians. They had never received, since their treaty with the United States, any supplies from the Government; and when I met them with supplies they wanted to know what they were for, as they never had received anything before. I told them that they had been entitled to them for five years. That led me to investigate the matter. A prominent member of the Nevada legislature told me that if I would go to a certain mining district I would find there a man who had, within the last eighteen months, received an entire wagon-load of Government supplies, intended for the Indians, and had been instructed by the agent to distribute them among the Indians in his immediate locality. He gave them a few cups of flour and a little tobacco, and he put the balance of the wagon-load of supplies into his store and sold them.

Question. Did this man get the supplies from the Indian agent?

Answer. Yes.

Question. Was he connected with the Indian agency at all?

Answer. No, sir. It was work delegated to him. I found that a large portion of the supplies of Utah and Nevada was distributed in such a manner as that. Instead of being distributed by the agent, they were delegated to some unofficial person not in any way connected with the Government; some ranchero, or some merchant, or some stock-raiser.

Question. Then not only was clothing and rations issued for a much larger number of Indians than were in existence, but even the Indians who were entitled to them did not get them?

Answer. That is the case, certainly; and that is especially true in Utah. There, until within the past twelve months, as a rule, these goods have been distributed through the Mormon bishops, and Brigham Young got all the credit of the distribution.

Question. The Indians were led to suppose that the goods came from Brigham Young.

Answer. Yes, sir.

The CHAIRMAN. How did these Mormon bishops get control of the goods?

Answer. The Indian agent delegated the distribution of these supplies to the Mormon bishops.

Mr. NESMITH. Who was the agent?

Answer. That has been the custom with nearly all of the agents in Utah, but more especially with the last two or three agents.

The CHAIRMAN. Then the bishops of the Mormon church were the instruments for the distribution of supplies for the Indians in Utah ?

Answer. Yes, sir ; very generally.

Question. And they have perverted the distribution for the purpose of private gain ?

Answer. That is, it was promotion of interests of the Mormon church.

Mr. GUNCKEL. Have you reported this fact, with the names of the agents to the Indian Bureau ?

Answer. Yes, sir ; quite recently.

Mr. ALBRIGHT. According to treaty stipulations, about how much is the mean value of what each Indian is annually entitled to ?

Answer. We visited between sixty and seventy tribes, each of which received different amounts of annuities, and so, the rate per Indian would vary. I should think the average would be about \$3 a year.

Question. Have you ever been similarly employed before ?

Answer. No, sir.

WASHINGTON, D. C., *January 15, 1874.*

FELIX R. BRUNOT sworn and examined.

By the CHAIRMAN :

Question. Are you officially connected with the Indian Department ?

Answer. I am chairman of the board of Indian commissioners, which is connected in a certain way with the Indian Department, simply as a supervisory body authorized by Congress.

Question. State the length of time you have been connected with the Indian Department.

Answer. I have been occupying my present position about five years. Shortly after the incoming of President Grant's administration there had been very much distrust of the management of Indian affairs ; and Congress, instead of appropriating in the usual way, appropriated a sum of \$2,000,000, in gross, to be applied in the management of Indian affairs, and authorized the President to appoint a commission to supervise the expenditure and management of that money. I was appointed on that commission. Subsequently Congress, from time to time, has extended the commission, and added to its duties, which are to supervise the expenditure of the Indian fund, and, to a certain extent, the purchase of the goods and the making of contracts.

Question. Have you been brought personally in contact with any Indian tribes ?

Answer. I have visited a good many of the tribes and agencies—that being a portion of the duties intrusted to us.

Question. State in what part of the country you visited these tribes.

Answer. I visited them in Montana, Colorado, the Indian Territory, Idaho, Washington, Oregon, California, and along the Pacific Railroad incidentally.

Question. Have you visited the Sioux Nation ?

Answer. I visited the Sioux at the Red Cloud agency and at Fort Laramie.

Question. Have you visited the Indians in Texas and Arizona ?

Answer. I have not visited the Indians in Texas and Arizona.

Question. Have you visited those in Western and Southern Colorado ?

Answer. Yes, sir.

Question. Have you been at the Great Ute reservation ?

Answer. Yes ; I was at the Ute reservation last summer and the summer before. I made a negotiation with the Utes last summer.

Question. State the disposition of those Indians toward the people of the United States as to friendliness or unfriendliness.

Answer. Without any experience in regard to the Indians of Arizona and Texas, I must say that I do not know of any tribe of Indians that is not, at present, friendly to the United States. Some of the wilder tribes, as the Sioux, and probably the Kiowas, Comanches, and Cheyennes and Arapahoes, have individuals who are unfriendly to the whites, but as to tribes, I believe they are all friendly to the white people.

Question. State what tribes require the repression of military force to prevent their making inroads or depredations on the white settlements.

Answer. The Kiowas and Comanches at the Fort Sill reservation, it is said, have individuals among them who raid on the borders of Texas. A portion of the Sioux have never been under the control of the authorities at agencies. They are the Sioux who live in the northern parts of Wyoming and Montana, and a portion of them are said to be hostile to the whites. The Cheyennes and Arapahoes have been, but they are at peace now.

Question. So far as the Indians in the Indian Territory proper are concerned, do they require the presence of military force to prevent inroads on the whites, or to prevent the whites making inroads on them ?

Answer. There are some of those tribes, particularly the wilder tribes, who require the presence of military. The Cheyennes and Arapahoes, Comanches, and Kiowas, at Fort Sill reservation, I think require military force within reach of the agents, in order to be kept under proper control.

Question. What have you to say of the Ute reservation in Western Colorado ?

Answer. The Utes do not require a military force in their immediate vicinity.

Question. Either to prevent the whites making inroads on them or to prevent their making inroads on whites ?

Answer. I do not think they require the military for either purpose, in the immediate vicinity of the agencies. I think that the posts, as at present located, are all proper for the present.

Question. Could any military force or posts in the neighborhood of the Indians be dispensed with, with safety to either party ?

Answer. So far as I know, in regard to the posts in Western Colorado, I think it is not desirable that they should be dispensed with, just at this time. I would remark in this connection that it is possible (although that is a matter entirely for the military authority) that a change of location, in one or two of those places, would be advantageous.

Question. What have you to say as to military posts in the Territory of Wyoming ?

Answer. I suppose Fort Laramie would be a necessary post, and probably Fort Fetterman also. I cannot see how they are to be very well dispensed with.

Question. What have you to say of the military posts in Dakota and Montana ?

Answer. I am not sufficiently familiar with that country to be able to speak about it.

Question. Are you familiar with the military posts in Idaho ?

Answer. I am acquainted with the situation of Fort Hall. I think it desirable that there should be a post in that neighborhood for the present.

Question. What would you say as to any posts in Utah ?

Answer. I cannot testify as to their necessity.

Question. Can you say anything as to the posts in Washington and Oregon ?

Answer. There is a post in the neighborhood of the Nez Percés reservation, in Eastern Washington, which I would suppose to be important to the care of the Indians or the care of the whites. There is a post on the Columbia River, which is of no value, as a protection, either to whites or Indians; but it is possible that it may be deemed necessary as a depot; I do not know enough of military affairs to speak of them.

Question. have you any knowledge of the forts or posts in California, so far as Indians are concerned ?

Answer. Not much.

Question. Nor Nevada ?

Answer. I have not been in Nevada. Generally, it is a serious detriment to the Indian service, and to the Indians, to have the military in the immediate locality of Indians. Whenever it can be avoided it ought to be avoided.

Question. For what reason ?

Answer. The common soldiers, in time of peace, come usually from the lowest class of population in the cities; every gentleman in the committee must be aware of the quality of the rank and file of the Army thus recruited. Their intercourse, either with whites or Indians, is demoralizing. In some places there still exists a system of mutual demoralization between the Indians and the troops in their immediate neighborhood.

Without concluding the testimony of this witness, the committee adjourned till 10 o'clock to-morrow.

JANUARY 16, 1874.

The examination of the witness was resumed, as follows :

By the CHAIRMAN :

Question. State whether the Indians, or any tribes, can be concentrated so as to require the presence of fewer troops.

Answer. I think that they can be. I would not like to indicate or designate precisely where it would be practicable immediately, but the process of concentrating them is going on all the time. It is one which requires a great deal of care and management to be accomplished successfully.

Question. State whether you think any military posts that are in the neighborhood of Indian tribes can be dispensed with.

Answer. I have no doubt that there are some that can be dispensed with.

Question. What posts are those ?

Answer. There are two posts in California, at Indian reservations, from which we had reports two years ago, showing that the presence of military there was a serious detriment, both to the Indians and the whites. One of them is at Round Valley reservation, and is called Fort

Gaston. The other is in Hoopa Valley. This report came from a member of our board.

Question. State the reason for that opinion.

Answer. The Indians there were not such as would be likely, under any circumstances, to interfere with the whites, and the country was sufficiently settled and civilized to make it unlikely that the troops would be needed for the protection of the Indians.

Question. Was there, at those points, any danger of the inroads of whites upon Indians, trespassing upon their reservation or property?

Answer. At one of those points the whites had already taken possession of considerable of the land of the Indians. The presence of troops could not remedy that.

Question. Were the civil authorities sufficient for the purpose?

Answer. The civil authorities could do it, if they would.

I wish to qualify what I said yesterday in regard to Fort Hall, Idaho. I believe I said that it would be well to have that post remain. I said so in view of the fact that it is contemplated to concentrate the Indians of that region of country at certain points, and I thought it possible that the removal of the troops on the eve of making the effort might be inexpedient. I think the continuance of that post would not be advisable after the changes are made.

Question. Have you made any estimate as to the saving that would accrue from the concentration of the scattered Indians, both in regard to the money that is paid out by the Indian Bureau and that which is expended by the War Department in guarding for and against them as is now done?

Answer. No; I have not. I do not know whether it would be practicable to do so. It would not seem to me to be a thing of any practical value, for the reason that you cannot possibly make such a concentration in a given time without enormous expense, long wars, and great loss of life. That it should be done in time I have no doubt, and it is being done by degrees. The process of concentration is going on as rapidly as seems judicious.

Question. Do you know whether those posts are located at points most convenient for the delivery of supplies and stores to the Indians, and for transacting business with them?

Answer. Some of them are conveniently located for that purpose, but I presume that others are entirely out of the way of any utility in the matter of supplying and delivering stores to the Indians. They have not been located with a view to that.

Question. Can you say what posts could be more conveniently located, or whether any of them can be concentrated?

Answer. I do not think that my opinion upon that subject would be of much value.

Question. I am speaking, not from a military point of view, but from your stand-point, and I would ask whether these posts can be more conveniently located.

Answer. From my point of view entirely, as regarding the interests of the Indian service, I would not have any posts within ten or twelve miles of the immediate location of the Indians; and some posts, as in the case of the Hoopa Valley and Camp Gaston, at Round Valley, I would remove altogether, they seeming to me to be of no value, either for protection to the Indians or to the whites, as the time is gone by when either seems to be needed.

You asked me a question in regard to posts in Colorado. It will probably be found that in a short time it will be desirable to move one or

more of the military posts in or near Southwestern Colorado to points where they could better keep the white people off the Ute reservation. I do not think the military are needed in that region of country as a protection to the whites, for the simple reason that I think the Indians are better disposed than a portion of the whites.

Question. Can the military protect the reservation from the whites in those mining regions of Western Colorado?

Answer. Without the slightest difficulty.

Question. Is there a sufficient number of military there to protect that last reservation?

Answer. Certainly, sir. I should be very sorry to believe that all the people of Colorado are law-breakers and thieves.

Question. Is it regarded really as law-breaking and thieving for the miners to travel through those mountains and explore and dig the minerals?

Answer. It is not regarded in parts of the West as breaking the law to do anything to the detriment of the red man; to go upon his lands is not a crime in the view of a great many western people; but my expression, which was, perhaps, a little strong, is only applicable to those who make a special business of doing that thing?

Question. Have you ever been on that great Ute reservation, in Western Colorado?

Answer. I spent several weeks there last summer, and made negotiations with the Indians, by which they agreed to give up a portion of that reservation.

Question. Are there not a large number of miners and explorers working in that region?

Answer. There were, perhaps, two or three hundred miners on the Ute reservation. They commenced going into the San Juan country two or three years ago, and there was very great danger of its leading to serious difficulties with the Utes; not because the Utes were not patient, but because the discovery of rich mines had been made, and there was a disposition to make a general rush into that country, and to make a quarrel with the Utes to justify it. That danger has been obviated, provided Congress ratifies the arrangement made with the Indians for the purchase of that portion of their territory.

Having visited the country, I recommended and urged the President to enforce the law, by driving out the miners already upon the reservation. I was informed by a military officer, familiar with the case, that with a company of soldiers he would clear out the place in three weeks, without any bloodshed or difficulty. General Sherman took the other view of the question, and had the idea that it was impracticable to get it cleared out, and the result was that it was deemed better to suspend the order for ejecting the miners, and renew the attempt to purchase the country from the Indians.

Question. What portion of that reservation has been purchased?

Answer. About one-fourth of it; over 3,000,000 acres. It comprises the part containing the mines already discovered, and the mountainous part supposed to have other mines.

By Mr. HUNTON:

Question. Are not the Indians in Western Colorado more disposed to hostilities and mischief than any other Indians you have visited?

Answer. There are very few Indians whom I know of (with the exception of the Crows, I cannot name a single wild tribe) less disposed to hostilities than the Ute Indians of Western Colorado.

Question. Do you suppose that the presence of the military is necessary, or even proper, among the Indians; and is not their presence a source of irritation to the Indians?

Answer. It is in many places a source of irritation. For instance, for a military detachment to go into the neighborhood of these Indians, upon their reservation, would be an irritation and annoyance to them.

Question. Is the presence of the military in all this country, from the Colorado to the Pacific coast, necessary to protect the whites against the Indians?

Answer. I think, from the information we have had in regard to Arizona, that, to a certain extent, the military is necessary.

Question. In regard to the protection of the Indians against the whites, do you not suppose or believe that the marshals of the United States, with their civil processes and with the power to call in a *posse comitatus*, would be more efficient than a military to protect the Indians against the whites?

Answer. No, sir; not in that country.

Question. When you say "that country," you mean the country from the Colorado to the Pacific coast?

Answer. Yes, sir; so far as I know it.

Question. There is a portion of that country where the military would be necessary?

Answer. I think so.

By Mr. GUNCKEL:

Question. Give your opinion as to the proposed transfer of the Indian Bureau from the Interior Department to the War Department.

Answer. I cannot conceive of any important benefit to be derived from such a transfer except possibly in the matter of transportation; but I can see a great many evils to result from it.

By the CHAIRMAN:

Question. How do your contracts for transportation compare with the prices paid by the War Department, so far as you can learn?

Answer. The contracts that have been supervised by the board of commissioners have been very similar in their range of prices to those of the War Department. I speak only of the contracts of which we had the direct supervision.

Question. Is it or is it not possible for the agents of the Indian Bureau to make contracts just as closely, and guard them as carefully, as the War Department can do?

Answer. It is possible, but it has not been usually the case, I think.

Question. Is there anything in the nature of things which prevents its being done?

Answer. There is not. Perhaps I should explain one of the reasons why the War Department can do it more cheaply than the Indian Bureau. The War Department has the means of transportation in itself. It has its own wagons and mules at military posts; it has the officers who are engaged in that particular branch of business, and who can give a closer supervision to it. The board of commissioners recommended in their first and in several successive reports, that the transportation of the Indian Bureau should be made under the War Department contracts. There is nothing to prevent its being done except the will.

Question. Now give your reasons against any consolidation of the Indian Bureau with the War Department.

Answer. The evils of contact between the soldiers and the Indians in times past have been so great that any movement toward bringing them about again should be avoided. The discipline of the military department is demoralizing either to white men or to Indians in its manner of controlling men. It is simply a control of force, exclusive of reason. The example of the officers of the Army and of their authority over the soldiers is bad for the Indians. It encourages the hereditary ideas of the chiefs, who do nothing except command. The improvement and advancement of the Indian is greatly dependent on the manner in which instructions in agricultural and mechanical arts are given to them. These instructions cannot be given to them by persons who cannot instruct also by example, and whose duties do not show them that labor is honorable. Indians are very apt to imitate the white people they see. The chiefs imitate the officers, and it is the ambition of all to become like those who command. This tends to make labor seem dishonorable. The women among the wild tribes are required to do the heaviest part of the labor, and the Indians look upon the soldiers very much as bearing the same relations in this respect to their officers that these women bear to them. The tendency is to degrade labor. The moral effect on the Indians of the example of the people who surround them, and of the common soldiers, and the conduct of the latter toward the Indian women, is a very great cause of degradation. The conduct of the soldiers in regard to temperance is also another evil. The soldiers are severely punished for intemperance, and the Indians, who are very observant, often see that the vices for which the soldiers are punished do not always receive punishment when committed by their superiors. Then, in the matter of school instruction, there is nothing in the character or pursuit of the military to adapt them to it. In the matter of the instruction by Christian missions, while a great many of the officers of the Army, and especially the higher officers, are gentlemen who would not descend to any direct interference with missions, simply on account of difference of opinion, yet in times past it has been the case. Missions and schools have been broken up, and advancement already made by Indian tribes destroyed, by the misfortune of getting an officer or a few officers whose proclivities happened to be totally in the opposite direction. There would be constant liability to this. In the early part of General Grant's administration, when agents were appointed from the military, there occurred instances where a good deal of improvement made among Indian tribes was overcome by the misfortune of getting an intemperate officer, or an officer, as agent, not sympathizing with the idea of the advancement of the race.

The independence of the military in the management of strictly professional duties, and their jealousy of any complaint or interference of civilians, would probably extend itself to their administration of Indian affairs, and render the correction of abuses on complaints from other than military sources more difficult than now.

By Mr. HUNTON:

Question. Has your attention ever been called to the number of Indians borne on the rolls of the Indian Department, as to whether that number was the true number of Indians or not?

Answer. Yes; I sometimes find that the number has been very much exaggerated.

Question. Is the Indian Bureau taking means to prevent that overenumeration?

Answer. It has been constantly endeavoring to do so within the last

two years. So far as the body that I am connected with is concerned we have been striving very earnestly to accomplish that.

By Mr. McDougall:

Question. What is the moral tone and character of the officers of the Army in the Indian country?

Answer. I would like to say for the officers of the Army, that for those gentlemen with whom I have come in contact, I have the highest regard. I have generally found them to be men of whose conduct I could not complain. I have been treated with very great courtesy and kindness at the military posts, and have formed friendships with many of the officers of the Army. I have not been in a position that would enable me to see their defects.

By Mr. Albright:

Question. So far as the military is necessary to control the Indian question you have now a duplication of officers—you have the Indian agents and the military posts?

Answer. That is exactly the case in every branch of the Government. The military is totally distinct from the other departments in its origin and purposes.

Question. The military must, in a sense, be subject to the Indian agents?

Answer. No, sir; I do not understand that it is necessary that they shall be subject to the Indian agents in any subordinate sense.

Question. If the Indian business is in the hands of the Interior Department the military have nothing to do with the Indian question, and can only act on the complaint of the agents?

Answer. Yes; I think that is so as to the affairs of his agency.

Question. The question is, then, whether, as the military is necessary, the expense of the civil officers could not be avoided?

Answer. A very large proportion of the Indian service is as far from having any necessary connection with military matters as is any other part of the civil service of the country. It is only at occasional places that there can seem to be the least occasion for connecting the two things together; that is in the neighborhood of these wild tribes.

By Mr. Hawley, of Illinois:

Question. You do not mean to say that the Army is never brought into requisition in regard to the Indians, except at the request of somebody connected with the Indian Department? Your answer would seem to imply that. Was it your intention to say that the Army is never brought into requisition as against the Indians, except at the request of an Indian agent or somebody connected with Indian affairs?

Answer. No, sir; I did not mean to say that. It is the duty, for instance, of the military to guard the Texas border. It is assumed that depredations are occasionally committed along the Texas border. There are forts there to guard the settlers. It is the duty of the military to do that. If the military find Indians or whites who have committed depredations or murders, it is their duty, without any requisition from the Indian agent, to attack them, pursue them, and punish them.

By Mr. Albright:

Question. Take the localities where the military is posted for the express purpose of protecting Indians against the whites, and the whites against the Indians; in what way then do the Indian agents use and employ the military?

Answer. Take a post like the post in the neighborhood of the Nez

Percés reservation, where the Indians are peaceable and quiet, trying to work, and are doing work. If some disturbance should occur among the Indians, or if whisky were sold or given to them, causing such disturbances, an agent may notify the military officer and request that aid may be given for the arrest of the white mischief-makers, or the Indians engaged in the disturbance.

Question. And is the military officer bound to afford assistance ?

Answer. He is bound to do so. He has orders from the War Department to do so. It is a co-operation between the two departments, and is authorized by the laws.

Question. That must be a general order and arrangement between the two departments ?

Answer. Yes; it is by an arrangement between the two departments. I suppose that some of the posts are for general military purposes, not for any special purpose, connected with the Indians.

Question. I understood you to say, in connection with Round Valley, that the whites had encroached upon the Indian reservation there, and that the military could not prevent it.

Answer. I did not mean to say so, in the light in which you seem to understand it. I say the military could not prevent it, because it has become a question for the courts. The whites have been there so long that the decision of the authorities is, that the matter has to be decided by the courts. If I were the authority I should put these whites off the reservation and let the courts decide the question afterward, knowing, as I do, that the whites are there by wrong. There are certain questions entering into the matter which have led to the decision that it must be done by the courts. Consequently, that military post there is not of any importance for the purpose of putting off these particular trespassers, is what I meant.

Question. Are you particularly acquainted with that section of country ?

Answer. I said, in speaking of it, that I had my information from a member of our board who visited that country for the purpose of examining into the situation of Indian affairs there, and from other official sources. I have not been nearer than San Francisco, and am only acquainted with the facts from gathered information.

Question. You stated that you would locate military posts at not less than twelve miles from a reservation ?

Answer. Yes, sir.

Question. What would be your suggestion as to the intermediate territory ?

Answer. If I said twelve miles from a reservation, I meant from the agency. I think I said from the agency.

Question. The agencies are on the reservations ?

Answer. The agencies are on the reservations. By placing a military post twelve miles from the agency it is not necessarily placed off the reservation. I do not mean that the post should be off the reservation, but away from the agency. There is a question of economy which properly comes into the consideration of a change of system. I do not believe that it would be economy to place the Indian service in the hands of the military. I believe it would be more costly than even the present arrangement.

By Mr. HUNTON :

Question. Would the treatment of the Indians under the military department be as humane as it is under the Indian department ?

Answer. I do not think it would ; not, however, from any lack of kind and humane inclination on the part of the higher officers of the Army.

By Mr. HAWLEY, of Illinois :

Question. Have you stated any reason why it would be more economical to manage the Indians through the Interior Department than through the War Department ?

Answer. I do not know that I have stated it.

Question. Be kind enough to state it.

Answer. I perhaps may do that by an illustration. During the last two or three years there has arisen a question in reference to the Sioux, Kiowas, and Comanches, and, later on, that question has become of some importance. There is a military post at what we call the Fort Sill reservation, where the Kiowas and Comanches are. The military idea of treatment there is that when there are raids committed by individual Indians on the borders of Texas the tribes shall be held responsible for the acts of the individuals. And the mode of settling the question is to demand the criminals from the tribe, and if they fail to give them up in a given time, punish them. Punishment means an attack upon the camp, which is war. The result would probably be the escape of the guilty, who usually keep out of the way ; the killing of the many innocent, who are sure to be there, and the driving of the survivors to the war-path, burning under a sense of the wrong done to them ; the cost of a war similarly inaugurated against a single tribe has often been greater than the entire cost of the Indian service for the last four years under the peace management. In such and other ways the military control would be vastly more expensive than the present system of controlling the Indians. The present system has been a success, as any one may see in looking over the last three or four years.

Question. You mean to say that it has been more economical, for the reason that war has been, to a great extent, obviated ?

Answer. Yes.

Question. In answer to my former question, as to whether it is more economical to continue the management of the Indians in the present form, you mention the practice of the military of demanding from Indian tribes the surrender of the particular persons who have violated the law. What is the system under your management ?

Answer. I did not state that as the system. I suppose that if I knew positively by my examination of the temper of the Indians, and my personal intercourse with them, that by making such a demand it would be complied with, I would make it myself, under the right circumstances, in order to get the criminal.

Question. That is, you would demand of the tribe the actual offenders ?

Answer. I would get the offenders, if I could do it without involving great expense and the great wrong of punishing the innocent. I only spoke of that incidental case as illustrating my meaning.

Question. I did not understand you now to state how it is done differently under the present system.

Answer. Under the present system the effort is made in every way in accordance with the treaties, and with reference to each individual case as it arises, to get possession of the criminals and to bring them to punishment, precisely in the way it is being done, or rather that it should be done, in regard to white criminals.

By Mr. ALBRIGHT.

Question. In your estimates of the relative cost of managing the

Indians by the military or by the Interior Department, I suppose you embrace the expense of maintaining the Army in the Indian country.

Answer. That is to some extent a portion of the expense. But I have not made what can be precisely called an "estimate" of the relative cost.

Question. Do you embrace now the expense of the Army, or a portion of it, in the management of the Indian question?

Answer. Yes; I consider a portion of that expense to be properly applicable to the management of the Indian business.

By Mr. HAWLEY, of Illinois.

Question. Would you not consider the whole expense of that portion of the Army which is in the Indian country as applicable to the Indian business?

Answer. No, sir.

Question. For what other purpose is the Army there?

Answer. The employment of the Army in regard to Indian affairs, as things are now, becomes, in many places, rather incidental than otherwise.

Question. Still that portion of the Army that is in the Indian country is used for the sole purpose of securing quiet there?

Answer. In some places the Army is used for that purpose, but then there are other portions of the Indian country in which the Army is located where it is not at all necessary for that purpose. For instance, there is a fort at Salt Lake City, which is there for the purpose, as I believe, of eating up Brigham Young's provisions—his surplus food. And there are other portions of the West where the same thing happens, and where a great outcry is heard as to disposition of the Indians, and all for the express purpose of getting troops out there to eat up provisions which are so far from the market that they cannot be otherwise disposed of. A case of that kind occurred a year ago in regard to the Flat-heads. Mr. Garfield, a member of the House, went out there and became perfectly satisfied that the Indians were as peaceable, and that there was as little possibility of their harming anybody as there would be in the most peaceable community of whites in the country. Yet it was pretended that the whites there were in immediate danger from an outbreak, and the Government granted arms to the settlers to protect themselves. But it was afterward developed that their sole object was to get troops in that remote region to eat up their provisions. One of the uses of the Army is to spend money in the western Territories.

Question. Then, in your opinion, there is but a small military force needed in the western country?

Answer. There are only some points where the military force is needed.

Question. Can you designate those points?

Answer. I designated some of them yesterday.

By the CHAIRMAN:

Question. Is there anything else you desire to say in reference to the general question?

Answer. I do not wish to say anything else.

WASHINGTON, D. C., *January 17, 1874.*

Examination of General NELSON H. DAVIS, one of the inspectors-general of the Army.

By the CHAIRMAN :

Question. State whether you have been on inspecting duty in connection with the engineer battalion within a year or so ; and, if so, what our opinion is as to the possibility or feasibility of dispensing with or mustering out a part of that battalion.

Answer. I made an inspection of Willet's Point, and of the battalion of engineers there last fall. It is commanded by Major Abbott, of the engineers, brevet brigadier-general. I consider this corps efficient, and indispensable to the interests of the service. I do not think it could be dispensed with. The men are instructed not only in the ordinary military duties, but in their professional duties pertaining to the Engineer Department, and the condition of the post and the result of their labors (both of officers and men) was exceedingly gratifying and satisfactory. I consider that, for the defense of our sea-coast, and harbors, and cities, this corps cannot be replaced by the same kind of intelligence and efficiency without a much greater expense than it would be to retain it. In connection with the ordinary post and engineering duties, the system of torpedoes for harbor and river defense is established and being perfected at Willet's Point. The great proficiency to which it has already arrived reflects great credit on Major Abbott and his corps, and I think on the country. I consider it one of the principal elements of defense for our harbors and rivers, and, as I understand this torpedo system there, it is principally on the defensive against attack—it is for the defense of rivers and harbors ; the others are offensive propelling torpedoes for the attack of ships, and that has been given to the Navy more especially.

Question. State the comparative expenses of erecting large works of defense, and of continuing in the service this engineer battalion at its present numbers, if any comparison of expense can be instituted.

Answer. I do not see that you could dispense with this engineer battalion in either case.

Question. State what you think as to our works of sea-coast defense, and as to the introduction of the system of torpedoes.

Answer. I think the system of fortifications heretofore adopted for the defense of our sea-coast and harbors is of a character too expensive and inefficient at the present time in view of the increased calibers of the armament of vessels, and that a different system, less expensive, using heavy metal in connection with the torpedoes, will be a much more effective protection to our sea-coast and harbors, than the old system. Fort Adams, which was considered one of the model forts in the old system, is not considered, I believe, capable of resisting the heavy guns with which vessels are at the present day armed. Such was my view, and on expressing it to General Warren, he agreed with me.

Question. What has been the result of firing on the works of masonry protected by the addition of iron shields and other obstructions at Fortress Monroe ?

Answer. I was informed by one of the engineer officers who was present at an experiment made at Fortress Monroe, in the firing of 15-inch guns at the embrasures that were specially prepared with a view to resist this heavy metal, that the results showed conclusively that they would not resist the effect of the shot, but were badly broken, and were considered unsafe.

Question. State the amount of preparation made to defend the embrasures ?

Answer. I do not recollect the exact dimensions, but I think the thickness of iron was about eleven inches, with four feet of masonry, and with heavy iron beams in the rear of it.

Question. What was the effect of the firing ?

Answer. The iron-plating and stone-masonry were perforated and much broken, and in order to ascertain whether pieces of stone or splinters were thrown to the rear, a screen was there erected, which was perforated in many places by these stone splinters and pieces of iron, showing that there was no safety for the cannoniers behind those embrasures.

Question. Have you inspected any of the forts and posts in the Military Division of the Missouri ?

Answer. I have inspected nearly all of the posts in the Department of the Missouri, in Montana and Dakota. I inspected the posts through Kansas west, and in the fall and winter of 1872 I inspected all the posts in New Mexico, Fort Bliss, in Texas, and Fort Garland, in Colorado. In 1873 I inspected all the posts in Montana, Dakota, and Minnesota; also all the disbursing offices at the different stations in the Department of Dakota.

Question. In your judgment, are the military posts in Kansas necessary to be maintained for the defense of the country or for the protection of the Indians ?

Answer. Several of them, I think, are not.

Question. Can you specify what ones are not ?

Answer. Forts Harker, Larned, and either Hays or Wallace, in Kansas.

Question. Are there any posts in Colorado that can be dispensed with ?

Answer. I hardly suppose it would be proper to abandon Fort Garland, although it is not in a position which I would recommend. The position for a fort there is farther north, up the San Juan Valley; but inasmuch as that fort is established, and as we have quarters there, I do not suppose it should be changed now. The buildings, however, are not expensive, and many of them were very much out of repairs.

Question. Going farther south into New Mexico, state whether any of those posts can be dispensed with, in view of the relations between the whites and Indians; or, in view of their use against the Indians, considering the troops necessary, can they be consolidated ?

Answer. Yes, sir. In my opinion Forts Craig, Selden, and Cummins can be dispensed with, and perhaps McRae. Fort Tularosa was recently established on account of the Apache Indians going there. If the Indians remain the fort should be kept; if not, it is not necessary, and Fort McRae may be required. That depends on circumstances. Fort Union is a large post, and has been very expensive. It was a depot, to which not only were supplies for New Mexico sent generally, but was also a place where several companies of cavalry and infantry were kept. I do not think it would be proper to abandon it now. It is of use as a wintering-place. Fort Bascom I do not think necessary, although a camp there has been maintained in consequence of operating in an easterly direction. It was abandoned, and then was re-occupied temporarily, and I think is occupied now.

Question. What is the expense of maintaining these forts in New Mexico as compared with their maintenance elsewhere ?

Answer. They are expensive, like other remote posts in the interior, and they add very much to the expense of maintaining that number of

troops beyond what would be required if concentrated into larger garrisons.

Question. One question is, whether the number of troops in the Territory is necessary, and another question is, whether they ought to be scattered as they are now at the various posts.

Answer. I am decidedly of opinion that the number of troops is not in excess of the demand; but the number of posts is, decidedly.

Question. What do you mean by demand?

Answer. I mean for the protection of the country, and to keep the Indians quiet, and to furnish that protection which is called for as escorts to expeditions, supply-trains, &c.

Question. Could not the line be protected from Colorado into New Mexico without having these posts in Southern and Eastern New Mexico?

Answer. There is no trouble in traveling through that section now. The fact of hostilities existing between the Ute and Plain tribes of Indians has been one of the great protections to a portion of the country. It is considered a kind of neutral ground by the Indians.

Question. State the additional cost incurred by reason of having additional posts; in other words, what additional cost each post adds to the Army expenditure, over and above the ordinary expenses of the troops.

Answer. The expense is increased from several causes. In the first place, from the cost of transportation of troops and supplies to and from these places; then, from the extra number of medical officers required and the extra amount of labor, either by the hire of civilians or by enlisted men; and then there is greater waste and destruction of public property and a far greater expense in the construction, preservation, and repair of buildings. There is also an additional number of officers and men required to discharge the same duties pertaining to a post. I may add that the efficiency and economy of the troops in the service would be much increased, and better discipline would be maintained, by concentrating the troops into larger garrisons.

Question. State as fully as you can your idea of the efficient employment of troops in the neighborhood of any hostile Indians, by reason of concentrating them or of scattering them.

Answer. It is a well-known fact in the history of Indian operations that success has generally attended the movement of troops in considerable numbers when prepared for a campaign that followed the Indians into their own country. Where there are many small posts and camps it requires a good deal of time and expense to collect the troops at one point in sufficient numbers to carry out the objects of the campaign. The aggregate of marching to get them together will be, oftentimes, almost as much as is required for the campaign proper. Where the troops are in larger numbers at proper centers, the success of the campaign is much more certain and expeditious, and less expensive.

Question. State the French system in Algeria.

Answer. The system adopted in Algeria by the French, formerly, of scattering small detachments of troops throughout the country, was changed to the system of larger posts and commands, and resulted in the economy and efficiency of the service.

Question. Can you state the probable difference in the expense of maintaining a regiment at one post and of maintaining it at two posts?

Answer. I cannot give the exact figures, but in general terms I venture to say that a regiment at one post can be maintained at from 50 to 60 per cent. of what it would cost when distributed in four or five

posts. I think that, when you consider all the elements that come into the question, 50 per cent. would be a fair estimate of the relative cost, exclusive of pay, rations, clothing, &c., for the troops.

Question. Would 50 per cent. be a fair estimate between what is expended and what might be expended in the management of affairs between us and the Indians by a change in that respect?

Answer. I believe that by a proper distribution of troops, and the concentration of them, nearly if not quite 50 per cent. would be saved, with exceptions given.

Question. Has your attention been directed, as an inspector, to this point of concentration?

Answer. I have frequently expressed my views as here given to department commanders and to division commanders, who have in some cases fully concurred with me, but have stated that the demand for troops at different places by the people of the country, and the influences brought to bear, and the want of adequate shelter, &c., necessitated establishing these posts or camps, or maintaining them.

Question. Do you think that many of those posts are established by personal or political influence, aside from the judgment of military men?

Answer. I think such influences are exerted and have their effect.

Question. And for local profit?

Answer. And for local reasons oftentimes. I would mention Fort Benton, where I was last year; that post is unfit for anybody to live in. It is unsafe, and there is reason to believe that unless some change takes place a sad destruction of life may occur there from the falling of the buildings. There is no necessity for this post, in my opinion, and I think the removal of the post has been recommended by General Sheridan. The town of Benton is a small village, whose population varies from, perhaps, a few scores in summer to a few hundred in winter. There are a few merchants, and traders in furs and traders with the Indians; but there are many adventurers and venders of bad whisky; they are, as reported, a whisky-drinking and rather lawless kind of people. They want the troops there because it gives them a sort of protection against Indians, who come in there and get drunk sometimes, as stated; and it gives them a certain traffic from the soldiers, who spend their money there more or less. One man there, as I was informed, said he would be willing to subscribe \$50 to keep the troops there, and that he could afford to do so from his little earnings. The citizens, I understood, petitioned to keep the troops there. I believe the object is for the purpose of putting a few dollars in their own pockets. I do not think the troops are necessary in the interest of the General Government; but if they are to be kept there it is a solemn duty on the part of the Government to furnish them with proper quarters.

Question. I call your attention to the region in the North, beginning at the eastern portion of the district of the Missouri, and I ask you to go over the various posts and say whether any of them can be dispensed with. In Minnesota, is there anybody requiring protection there, whites or Indians?

Answer. The Chippewa, Wahpeton, Sisseton, and Santee Indians there are mostly peaceable and quiet. I do not think there is any necessity for Fort Abercrombie; Fort Snelling is an old post, and is used as a sort of depot, and for the housing of troops and keeping supplies. I presume that for that purpose it will be considered necessary.

Question. Suppose that the troops were removed out of Minnesota, is there any use then for any post at all there, any more than in Chicago

or Cleveland; could not the troops be supplied from the Missouri River, or from some point on the railroad?

Answer. O, yes; they could be supplied without this post.

Question. Then why keep a post at Fort Snelling?

Answer. One reason is that you have to keep some of these posts to shelter the troops. There is Fort Ripley, where there is really no necessity for a post, in my opinion, except for its shelter.

Question. What can you say of Fort Wadsworth?

Answer. That would probably have to be kept up for the present. There are quite a number of Indians in that vicinity, who, to some extent, are cultivating ground, and who want protection. The Sioux come over there frequently; that post, I think, should be maintained.

Question. Is there any other post east of the Missouri River which should be maintained, either as protection for the whites against the Indians, or for the Indians against the whites?

Answer. I have mentioned Fort Ripley and Fort Abercrombie; it would probably be desirable to keep Fort Pembina for the present, on account of our international relations, and because of the Indians up there, who are somewhat troublesome. But, going west, there is no good necessity for Fort Seward, nor for Camp Hancock, nor apparently much for Fort Stevenson. The Lower Brulé agency might well be abolished; it is unfit for the troops; also Grand River agency; they will be washed into the river, probably, before long. I think there is no necessity for Camp Baker, in Montana. I merely give my views.

Question. Can you give any additional special reasons why these forts you have mentioned should be dispensed with?

Answer. The reasons why, in my opinion, those posts that I have named can be abolished are, that they are an unnecessary expense, and out of position for properly attaining the object for which troops are required in that section of country. The troops would be of more service, and would cost the Government less, if they were placed at other points.

Question. Do you apprehend hostilities or mischief, in any of those portions of the country which you inspected, from the Sioux Nation of Indians, or from those affiliated with the Sioux?

Answer. The Sioux are very ugly and hostile generally, and they will give trouble unless they are controlled by a strong and firm hand. The Kiowas and Comanches, as well as the Apaches, are also of a hostile character, and must, in order to preserve peace, be subjected to military control.

Question. What number of troops, in your judgment, can take care of the Sioux tribes?

Answer. I can hardly say exactly what number; it depends upon how they are placed and the duties required of them.

Question. I mean, placed in the most favorable positions.

Answer. I think that we have none too many troops out there now.

Question. Do you think that we have enough out there?

Answer. I think that what we have, if properly placed, would answer the purpose; emergencies may arise requiring more.

Question. Have you any knowledge of the military posts in Idaho, Washington, and Oregon?

Answer. Not particularly.

Question. Or in Utah?

Answer. I have been to some of them, but I do not know enough about those posts generally to express an opinion.

Question. The forts at Leavenworth and Omaha are both large depots of supplies. Is there any necessity for maintaining both of them?

Answer. I do not think there is.

Question. Are they not both of them very expensive?

Answer. They have been pretty expensive. I do not know much about Omaha except from incidental reports.

Question. Which of those forts do you think should be kept?

Answer. I think Leavenworth should be kept, most certainly, on account of its central position and its facilities for receiving and distributing supplies, both by rail and water; and from the fact that store-houses are already established there, and that the Government owns the land and has an arsenal there. The Government owns quite a large tract there—nearly seven thousand acres. We have several large fine stone store-houses there, and facilities for repairs in the way of shops. There are some twelve large stables, and quarters for officers and men at the headquarters of the department, and for some six companies of troops. Leavenworth is a very central point at which to collect supplies at a comparatively cheap rate, and is one of the best places in the West for collecting cavalry horses, and for wintering public animals.

By Mr. GUNCKEL:

Question. Do you know whether Fort Gibson, in the Indian Territory, is still occupied by troops?

Answer. I think it is. I recommended that it should be abandoned, and General Pope did remove the troops; but subsequently it was occupied by a portion of the Tenth Cavalry, and I think it is still occupied.

Question. It is your opinion that it can be dispensed with?

Answer. That was my opinion then, and I know nothing to the contrary now. If there are any reasons to the contrary, I do not know them. If the troops are to be kept as a police force, to be sent here and there at the request of anybody who may want them, and be used to quell little disturbances that are created from people's own indiscretion, or by liquor-shops, then we have not got half enough troops. If we had troops we could supply a great deal more for such purposes; in fact, the demand for troops is much larger than the supply.

By the CHAIRMAN:

Question. Taking the view of the whole Army, if it is to be reduced, what organizations would you cut down or muster out?

Answer. In answer to that question, my opinion is that the Army should not be reduced at all. If it was to be reduced by organizations, I should cut off two regiments of cavalry. It would be injustice to these regiments.

Question. Could you not better dispense with infantry than with cavalry?

Answer. I think not; cavalry is much more expensive than infantry, and in many locations I think infantry is quite as efficient as cavalry, and more so.

Question. In what places?

Answer. In any mountainous country. The infantry can get where the cavalry cannot. I have made several expeditions with infantry where I could not have gone at all with mules and horses. For rapid movements cavalry is very necessary, and it is necessary for the Plain Indians.

Question. Are not all the hostile and troublesome Indians located either in the regions of the great plains in Montana and Dakota, and in Northern Texas, Colorado, and Kansas, rather than in mountainous regions?

Answer. The plains virtually terminate at the eastern base of the

Rocky Mountains. As you go west of this line, you are in a more rough and broken country, ribbed with mountains and interspersed with valleys and mesas or plateaux.

Question. The troops are not much used in Idaho, Arizona, and Utah ?

Answer. They have been actively used in Arizona ; cannot say as to Idaho and Utah.

Question. The bulk of the troublesome Indians are the Sioux, and those fellows in Texas ?

Answer. They have got certain agencies established where they feed more or less of the Sioux, Kiowas, Comanches, and Apaches, all considered hostile.

Question. You would prefer infantry to cavalry ?

Answer. We must have both ; but if it is a question of reduction and expense, as stated, I would say cut off two regiments of cavalry ; but, as I said, I think our Army is none too large for the duties imposed upon it, and for the interests of the country in either arm of the service.

Question. If it is to be decreased, would it not be more economical to cut down organizations than merely to dispense with a certain number of men ?

Answer. If you reduce the number of organizations you cut off the officers and men, and you cut off certain expenses. By cutting off organizations you reduce the expenses probably more than if you cut off the same number of officers and men by taking them out of their regiments.

Question. In other words, you say that to muster out officers and men together is more economical than to muster out the men alone ?

Answer. I say that by stopping recruiting and diminishing the number of men, you save less than by cutting off the same number by whole organizations.

Question. Have you made any estimate, or can you make any estimate, showing what would be effected by cutting off, say one-fifth, one-fourth, or one-third of the officers and men together, staff and line, and rank and file ?

Answer. The estimate would involve the pay of the troops, rations, quarters, clothing, camp-equipage, and many incidental expenses of the service ; that is something so circumstantial or incidental that I cannot state an estimate. You can probably get from the records in the bureaus in Washington the average cost, for a number of years, of an enlisted man in the service, and of an officer of a certain grade, but the data are so variable that there is no fixed quantity as to the saving.

Question. State whether any portion of the staff of the Army can be decreased ; and, if so, what ?

Answer. So far as I know, I do not think that it can, with propriety or for the interests of the service. If you require certain duties to be done, you must have certain officers to do them. We have now a large number of line-officers on staff-duty, because we have not got staff-officers enough to do the duty. In the medical department there are a good many hired physicians, because we have not got surgeons and assistant surgeons sufficient. In the pay department we have not enough of officers, because their labors are increased by the wide distribution of the troops, and it is hard service. The officers of the pay department are traveling much of the time in order to discharge their duties, and in some sections of the country, and in some periods of the year, the position is no sinecure. The danger and the hardships of travel are very

great. The inspectors and paymasters do more traveling than any other class of officers in the service, I believe.

Question. Have you ever inspected the expenditures made about the headquarters of divisions and departments ?

Answer. Generally we were not ordered to inspect there.

Question. Have you ever done it ?

Answer. No, sir ; while attached to such headquarters.

Question. Can you state what changes or modifications can be made in the management of the quarters for Army officers, or in the headquarters of Army officers, that may save money to the Government ?

Answer. I do not see how you can fix it any more definitely than you have it now. The law, or regulations, prescribes exactly what each room shall cost, where the Government has no quarters, and prescribes the number of rooms the officers of each grade are entitled to as quarters, and for officers.

Question. Do you understand a fair construction of that law to be that an officer can occupy one room and get pay for three or four, if he is entitled to so many ?

Answer. Officers generally cannot get along with one room.

Question. I am supposing a case. Suppose that an officer occupies only one room, and he is entitled to be paid for two or three rooms more ?

Answer. If it is a special case, where an officer can have, for a limited time, but one room, the question is whether you should have special legislation for that case.

Question. Suppose that an officer who is entitled by the rules to three rooms occupies but one room ; is he allowed pay for the three ?

Answer. He may hire a room that will cost more than three rooms ; for instance, two good rooms in New York they ask \$35 to \$50 a week for.

Question. How many rooms, for instance, are you entitled to ?

Answer. Five, including kitchen.

Question. At what rent ?

Answer. Eighteen dollars a month for each room ; that makes \$90 a month.

Question. Can you, under any fair construction of the law, use only two rooms and draw rent for five ? In other words, does the Government propose to furnish officers with quarters in kind and not in money ?

Answer. I think in kind. When the law was passed changing the pay of the Army, it contained a proviso that existing laws and regulations with reference to allowances for quarters in kind should be continued. Those existing rules and regulations allowed an officer a certain number of rooms, according to his grade. The price of these rooms was fixed according to the location, being supposed to be regulated by the prices of living. Officers generally prefer to have quarters furnished to them, because it is less expensive for them. If the Government hired quarters, it would cost more, probably, than the price now allowed.

Question. If any officer who is entitled to five rooms hires but one room, he gets \$90 a month—the same as if he had five rooms hired ?

Answer. He is entitled to so much quarters. Some officers live in hotels, and I do not know how you can say what number of rooms they have. They use exclusively and partially several rooms.

Question. The simple point I want to arrive at is whether an officer who is entitled to five rooms, and occupies only one, gets \$90 a month ?

Answer. He gets whatever he is entitled to, whether one room, two rooms, or more.

Question. Now suppose that he lives in a Sibley tent ?

Answer. He gets no rooms when in camp.

Question. Would he be entitled to rent for rooms if he occupied his own house ?

Answer. He would be entitled to his rooms, certainly. I presume that there are officers in this city owning their houses.

Question. The question is, what the practice is ?

Answer. The officer selects his own apartments, and the quartermaster hires the rooms and pays for them. He pays the party who owns or claims to own them, or who is the agent for them. He does not pay the officer himself.

Question. The practice is to pay to these persons the equivalent of so many rooms as the officer is entitled to under the law and orders ?

Answer. Certainly, sir ; that is, what is hired for him.

Question. You have had occasion to inspect accounts of that kind and know that to be the practice of the Army ?

Answer. That is the practice so far as I know ; the officers selecting their quarters and the quartermaster paying the rent authorized.

By Mr. THORNBURGH :

Question. Suppose an officer is entitled to \$90 a month for quarters, and only actually expends \$45 a month, or any other sum under \$90 ; is he entitled to receive the full amount for all the rooms that he is entitled to have under the regulations ? Is that the construction given to the law ?

Answer. I suppose he can draw the full amount for quarters hired. The rule is that he is entitled to a room and he gets it. He selects his rooms, or he has his own house, and he gets his allowance of rooms in kind.

By the CHAIRMAN :

Question. To whom is the money paid if the officer occupies his own house ?

Answer. He will probably have an agent.

Question. Why not have the money paid to himself directly ?

Answer. Because there is a regulation or law to the effect that it is not to be paid to the officer.

Question. But whoever pays to a man's agent pays to himself ?

Answer. Certainly ; it is as long as it is broad. But if money shall not be paid to the officer by law, but to his agent, it conforms to the regulations and to the law.

Question. Then the practice of the Army is that if a man has a house of his own and lives in it he is entitled to have paid to his agent the equivalent for the number of rooms which he is authorized to occupy under the law ?

Answer. Yes, sir ; I understand so. Of course, what he gets from the Government does not always cover the expense of the house.

Question. You inspect accounts of this kind ?

Answer. I inspect accounts, but I do not in such cases know who the agent is. Here, for instance, are the accounts for a number of officers. The quartermaster has the vouchers for rent of rooms in the name of Smith and Jones and others. I do not know them. If the voucher is in due form I have no reason to suspect that anything is wrong. I have no knowledge who this Mr. Smith or Mr. Jones is. In some cases I may know who he is ; in most cases I do not know. This rent is a part of

the officer's compensation for quarters. Here, for instance, is an officer in a hotel paying his \$10 a day; he probably has a parlor and a bedroom; he has the use of other rooms—dining-room, kitchen, &c. The question is, how many rooms does he occupy?

By Mr. THORNBURGH:

Question. When an officer has a house of his own, his agent is entitled to be paid for all the rooms that he is entitled to have under the law?

Answer. He draws rent only for the number of rooms that he is entitled to have, according to his rank, I suppose.

By Mr. ALBRIGHT:

Question. What is the character of the troops at the posts you inspected? Have they or not a demoralizing influence on the Indians?

Answer. My experience as to the influence of the troops upon the Indians generally is that it has been the reverse of demoralizing. The Indians have more respect for, and they trust further in the troops, than in any other people they have anything to do with. They have repeatedly asked, and have almost demanded, that they shall have officers of the Army for their agents. They say, (of the soldiers:) "You punish us when you are ordered to, but when you are not fighting us you are our friends; and you never cheat us, but give us what the Government sends us." That has been the case for years and years—for over twenty years of more or less experience among the Indians. As to any demoralizing influence exercised by the troops upon the Indians, if there is any charge or accusation of the kind, I think there is no truth in it, except that you may find an exceptional case, where something has been done that you may call demoralizing or improper. If such be the case a little investigation will perhaps show more bad results from other sources.

By Mr. MACDOUGALL:

Question. In your judgment, could the War Department manage Indian affairs with more economy than the Interior Department does?

Answer. I should say decidedly yes. That is one of the principal places where you can effect a reduction of expenses with not only equal but greater success in the protection of the Indians, of the whites, and of the country.

Question. State your reasons for that opinion.

Answer. In the first place, you would save the expense of a great many agents, superintendents, or inspectors who are now paid. In managing Indians you must have a physical force; not that you want to exercise it always, but its presence has a moral effect. You want to have responsibility fixed, not divided. Place the management of the Indians in one department and there is no division of responsibility. Where now you employ a great many civilians to discharge certain duties connected with the Indians, you can dispense with some of them, and those duties can be performed by officers and men of the Army without adding much expense to the Government. I will assert, that by the transfer of the Indians to the War Department, the Indians will be better satisfied; they will get what the Government sends them, and they will get it at much less expense. With regard to schools, religious education, &c., I also assert that, under the War Department, the Indians will, or can, have as much assistance and as much instruction as they have under the present system. There is no disposition that I know of among Army officers to prevent that. It is a mistake to sup-

pose that the officers of the Army want to keep the Indians in a barbarous condition and to fight them. It is the most disagreeable duty that they have to perform, and they are as anxious as any class of the people that the Indians should be made self-supporting and peaceable. When the Indians have been deceived, and swindled, and goaded into violence, then the troops are called on to settle the difficulties. They are abused if they do not prevent murders and robberies, and they are abused if, when called upon, they punish and repress them.

By Mr. GUNCKEL :

Question. Would this be practicable if your recommendation was carried out, posts abandoned, and the troops concentrated ?

Answer. Yes, sir. My idea is that you should have one large post in the district, or near the district, where these Indians live, and that all the trading should be done at or near this post, under the control of the military authorities ; that whatever the Government sends to the Indians should be faithfully delivered to them ; that the Indians should be under military control ; that they should be furnished with everything promised them, and that, if they did what they are forbidden to do, they should be brought to punishment. You can make the Indians themselves in a short time aid in that. The Navajoes have now a hundred men (uniformed) as a police force, of their own tribe, for the purpose of suppressing depredations and arresting thieves.

Question. One object of the Indian Bureau is to teach the Indians industrious habits, farming, mechanics, &c. Do you think that the Army can carry out that policy ?

General DAVIS. Do you know how this industry is taught and practiced ?

Mr. GUNCKEL. I should be glad to have you tell us.

Answer. It is oftentimes theoretical, very little practical. Where it is practical it is done by hired persons, the Indians doing very little, sometimes doing a little and sometimes doing nothing at all, excepting what the squaws may do. If the Government wishes to furnish the Indians with some farmers and mechanics, it will cost the Government no more when the system is changed, and the Indians are under the War Department, than it does now. And with regard to the instruction of the Indians, I have been informed by men who have lived at Indian agencies that the schools which are reported as being in a very successful condition really amount to little or nothing. They will at times have a feast and get a large number of children to come in, and then they report a large attendance, whereas the usual attendance is very small. The children are irregular, coming at odd times, so that they really learn little or nothing. Take an Indian child, and he may be taught more by example than by precept ; he may be taught the ways of the whites, to dress, and live, and work a little ; and you may bring Indian children up so as to be industrious and self-supporting. But the most you can expect of the older Indians is to control them, to prevent them doing damage, and to protect them in their rights. I had an Indian boy whom I took in California when he was quite young, probably four years old. I taught him his letters in a short time ; brought him East and put him to school. He learned to read and write, and was an excellent boy, quite a bright boy, but unfortunately he died, during the war, of pneumonia. That boy, however, had unusual advantages ; he was at school in Boston and other places. These Indian children must be under a certain control in order to teach them anything. A boy who comes to school, stays for a day or two, and then

goes off for a month, will not learn much, particularly when his parents are influencing him against the ways of the whites.

Mr. GUNCKEL. It has been stated here by Indian agents and others that the example of the Army, officers and men, is uniformly bad, as to intemperance, licentiousness, idleness, and tyrannical conduct toward the Indians.

General DAVIS. I would suggest, in the first place, that the Indian Bureau would make as bad a case as possible against the Army. That is very natural, and I expect it. I think that they would like to divert attention from some of the corruptions of that Bureau, which are too well known. With reference to the intemperance, gambling, and licentiousness of the Army at Indian agencies, I do not know for certainty; but from what I have been told, and from my own observation, I do not think that the employes of the Indian Bureau have much to be said in their favor in those respects. I asked at some of the agencies whether the employes of the agencies had their squaws. They told me yes, they did, the same as ever. At one place they said they had not, that the agent did not allow it, but that it was understood that they had their domestic associations, if not in the buildings just outside at the tapers. And such, I imagine, you will find to be the case at every Indian trading-post you can visit. I am speaking now of the civil employes of the Indian agencies. The troops at those agencies where stationed are called upon by the agent for guards, protection, &c. If a man is killed at one of those agencies, the troops can do nothing with the murderer unless the Indian agent calls upon them to take action in the case.

Mr. GUNCKEL. Do you mean to say that the average Indian agent is no better morally than the average private in the Army?

General DAVIS. I am speaking of the employes of the Indian Bureau. I would say with reference to the Indian agents that they are no better on the average than the officers of the Army.

Mr. MACDOUGALL. You think it will be fair to compare the agents with the officers and the privates with the other employes?

Answer. The officers will compare favorably with the agents and the men with the employes.

General DAVIS. I presume that you gentlemen are all well posted in human nature, and if you put a lot of men at a frontier station, in the full vigor and prime of life, with certain inducements and influences about them, it is very natural and probable that certain indulgences will be practiced, which perhaps we do not approve of, and should not, there more than in large centers of civilization.

Mr. MACDOUGALL. Have any of the officers in that frontier country their families with them?

General DAVIS. O, yes; most of those who are married have their families.

By Mr. ALBRIGHT:

Question. If you were to abandon the military posts you have named, and which you recommend as fit to be abandoned, would you suggest the building of other new posts, or the enlargement of old ones?

Answer. I would suggest the enlargement of old ones, and in some cases new ones would be advisable, better selections being made for the posts.

Question. Many of those old posts that you have spoken of are in a bad state of dilapidation?

Answer. They are mostly in a greater or less state of dilapidation, and are requiring constant repairs.

Question. If the posts that you have named should be abandoned, and the troops concentrated in other posts, would that, in your judgment, necessitate a change in the branches of the Army, either to have more infantry, or more cavalry, or more artillery than now?

Answer. It would not necessarily. The distribution of these troops depends entirely upon the War Department, through the General-in-Chief, the division and department commanders. A station of cavalry has always to have accommodations for the horses. If cavalry is sent to a post and there are no accommodations there in the way of stables, they will have to be built. The distribution, as I understand your question, does not necessarily affect the strength of the Army or the relative strength of the different arms of the service.

Question. If your recommendation should be adopted with reference to the abandonment of posts and the concentration of troops in fewer posts, my question is, whether or not then there might not be less cavalry or artillery and an increase of infantry, and in that way a great saving be effected?

Answer. My opinion is that the military force we now have is not too large.

Question. Can it be changed in its character?

Answer. I would not change it at all. I think that the interests of the country, and the protection which the people have a right to demand in our western country, require all the force that we have. The artillery is stationed more in the East and on the sea-coast. It has got to protect our forts and public property, and I presume that all the artillery we have is necessary. I have not any personal knowledge of the absolute necessity of artillery at those various posts, not having visited them to ascertain.

Question. A concentration of troops at fewer posts would not necessitate a change in the character or number of the present force?

Answer. No, sir; not necessarily; but it would lessen its expense and increase its efficiency.

Question. You spoke of a saving of 50 per cent. On what was that?

Answer. It was estimated on all the elements of expense which enter into this question, and which embrace transportation, waste, and destruction of supplies, cost of buildings, keeping them in repair, and all those things. It is quite a complex question. I merely express it in general terms.

Question. You think there could be a great saving of expense in adopting your suggestion?

Answer. In my opinion.

Question. And no detriment would come to the country?

Answer. On the contrary, I think it would be a benefit to the troops and the country in every way. I do not know of a single detriment to the country which would result from the concentration of troops into fewer and larger garrisons. The distribution of troops into small posts is expensive, weakens the otherwise efficient condition of the troops, impairs discipline, and is unsatisfactory.

By the CHAIRMAN:

Question. Have you had your attention directed to any part of the South?

Answer. No, sir; I have not been South recently.

By Mr. ALBRIGHT:

Question. Say that the strength of the Army at these posts is 21,000

men; what proportion of them is unfit for duty from the various casualties the troops are subject to?

Answer. From 25 to 30 per cent. I have found over 50 per cent. in small posts. Generally the proportion is greater where the post is small. Where there are more troops together the percentage is less. I am speaking of the number taken out from active military operations—the sick, those in confinement, those on special and detached service, &c.

Question. At the different posts that you have inspected, what proportion of the troops that were present in camp did you find physically unfit for military duty on account of climate, exposure, &c.?

Answer. Generally the number unfit physically for active duty was not very large. Most of the posts are healthy. Your question would only exclude the sick; it would not exclude those on special duty. But special duties are so constantly required of them that you have not the men for the ordinary military duties of the post. The number of sick has been very small, ranging from 2 to 10 per cent., the larger percentage being owing to the season, or to some epidemic or endemic. But the number of sick is generally small, because in that northern or northwestern climate most of the localities are healthy. Of course, in the summer seasons in certain portions of the country there is an increase of febrile diseases, intermittent fevers, and malarial complaints. Diarrhœa or dysentery is one of the prevalent diseases in certain localities and at certain seasons; and in the higher altitudes neuralgia and rheumatism prevail to some extent. These may be mentioned as the prevalent diseases; but the aggregate is not a large percentage.

By Mr. MACDOUGALL:

Question. Do you think that the Army, situated as it is in the West, could take charge of Indian affairs without any increase of officers or men?

Answer. I do not think it would require any increase of officers or men. In order to carry out the policy of the administration and of the people it would be necessary, of course, to have some civil assistance in the way of farmers and mechanics and teachers.

Question. Is the Army so situated in regard to transportation as that rations and supplies for Indians can be transported without additional expense?

Answer. The rations and supplies can be transported equally as cheap as at present in every case, and much cheaper in some cases. In some cases we have transported for the Indian Bureau to considerable extent. And, inasmuch as the Army has frequently to send escorts for the transportation of its own supplies, the Indian supplies could be transported at the same time in connection with the Army transportation, and thus save the expense of additional escorts.

Question. Have you any idea of the annual cost of transportation to the Government?

Answer. I have not; but it can be obtained from reports.

By the CHAIRMAN:

Question. When you traveled in the region of the Sioux, had you an opportunity to ascertain the number of warriors they had?

Answer. I could tell, approximately, by referring to notes, in some cases. I had reports from the different post commanders, and others.

Question. Were these notes taken with reference to a report to be made by you?

Answer. We get information in relation to the Indians as to their habits, their characteristics, their peaceful or hostile character, how

they live, whether they are fed and clothed by the Government, whether they subsist by hunting or by farming, their forces, and whether mounted or dismounted, how they are armed, and everything in connection with them. These reports we get in the best way we can. They come from officers, the agents, the interpreters, the Indians themselves, and from scouts and citizens.

Question. Have you made a report on that subject ?

Answer. I have made a general report.

Question. Has it been printed ?

Answer. I think it has not. In several cases I forwarded the reports with my remarks, and I made a general report with reference to Indians.

Question. Can you state with any definiteness as to the condition of these Sioux Indians—their military force, &c. ?

Answer. Quite a number of them are armed with the best improved muskets. They have the Henry rifle, or the Winchester. They have some of our own Springfield breech-loading arms and Remington ; and many of them are well supplied with Colt's and other revolving pistols. Some of them have muzzle-loading arms, but a great many of them have the improved breech-loading arms, with metallic ammunition.

Question. Where do they get them ?

Answer. They get them from traders, as reported ; and in some cases, I think, Indians (not Sioux) were furnished by the Indian Bureau, by direction of the Government.

Question. What traders do you mean ; post traders or Indian traders ?

Answer. Indian traders ; and, perhaps, post traders and others. The Mountain Crows, I was told, were well armed with breech-loaders, and with 300 rounds of ammunition to a man. They were furnished at their agency. Arms were shipped up the Missouri River by boats and traders, as reported. At all events, Indians have them and use them.

Question. Do you know anything of their supply of ammunition ?

Answer. I do not know how much they have, I only know that they have ammunition. In the issue of rations they count men, women, and children ; say, "there are 3,000 Indians," and they count for so many rations. Oftentimes not half that number of Indians are there to draw them. So I am told and believe. If you ask the agents where they are, they say it is impossible to count them ; that the Sioux do not wish to be counted ; that it is "bad medicine." But if it is "bad medicine" to count them, it is "bad medicine" to issue rations for them when not present. I asked the question, how it was that beef at certain places was contracted for at so low a rate for Indians. The gentleman I was speaking to asked me how long I had been in the Indian country. I said, twenty-odd years. He said, "Then it is not necessary to explain to you how it is ; you are probably well posted." Well, I had my own views in regard to the matter. I presume that the scales on which they weighed the beef according to their purchase were not the same on which they weighed it according to their issue.

Mr. THORNBURGH. You think the scales were doctored ?

General DAVIS. I think they do not issue what is reported to be issued.

Mr. MACDOUGALL. Have you any idea of what becomes of the discrepancy between the number of rations charged to the Government and the number actually issued to the Indians ?

General DAVIS. How can an Indian agent, with \$1,500 a year salary, make \$10,000 a year, more or less, after supporting himself ?

By Mr. ALBRIGHT :

Question. Are not the Indians, under their present management, being

speedily brought under Christian and civilizing influences, and taught the arts of peace ?

Answer. They are probably being brought under those influences, but not very speedily, in some cases.

Question. Are they being taught agriculture ?

Answer. In some cases they are, and are doing very well ; in other cases it amounts to but little, the bands and their characteristics are so very different. I speak of the more wild and hostile Indians.

Question. Do you regard that as the result of the present Indian policy ?

Answer. Some of these Indians cultivated the ground long ago—long before this recent change in the Indian policy. A great deal has been given to Indians under this policy which they did not get before. There never was so much contributed before to furnish them with seeds and labor, to cultivate the ground for them, and to give them schools. I think that this is having a civilizing and Christianizing influence. But I do not think that in many cases this influence is exerted to the best advantage, or that the result is commensurate with the expense that is incurred therefor. I think that in many cases the success of the schools is very much exaggerated, and that the conversion of the Indians to Christianity, as we say, is somewhat misrepresented.

Question. Would you, from your experience of the Indian country, suggest a concentration of the Indians on fewer reservations ?

Answer. Probably fewer reservations would be better ; but I am decidedly of opinion that they should be put upon reservations, and should be made comfortable as far as possible and protected. But at the same time they must be made to stop robbing and murdering, and be made to submit to the orders and control of the United States Government. They laugh at persuasion and leniency ; they call it weakness or fear. I believe in justice and firmness in the management of Indian affairs, and I think that with that course we would have little trouble. I am as much in favor of seeing the Indians have justice as I am of seeing the whites have justice ; but I believe in justice on both sides, and I would rigidly enforce it so far as in my power. I would decide what the Indians were to have ; and what I promised them they should have. Then, if they violated the laws governing them ; and committed murder and robbery, I would punish them, and I would punish the whites, if they intruded upon the Indians ; but I would protect the whites against their merciless ravages and tortures.

WASHINGTON, D. C., *January 20, 1873.*

Examination of Gen. ABSALOM BAIRD, one of the inspector-generals of the Army.

By the CHAIRMAN :

Question. Have you made any inspection of the Army in the Military Division of the Missouri within the last two years ?

Answer. Yes, sir.

Question. What departments in that division did you visit ?

Answer. I have been twice connected with that portion of the country, first in General Halleck's command, afterwards in that of General Sheridan. Within the last two years I have inspected the whole Department of Dakota, which is at present commanded by General Terry,

embracing Minnesota, Montana, and Dakota, and also the Department of Texas.

Question. State whether you personally visited the posts and stations of the Army.

Answer. I visited all the posts in the Department of Dakota, and a large part of those in Texas.

Question. State whether your attention has been directed to the question of a reduction in the number of posts.

Answer. Yes, sir. When I inspected the Department of Texas I particularly inquired into the location of the posts, the positions it was necessary to occupy in order to cover the frontier against the inroads of Indians; and in my report I made recommendations with reference to the location of troops, and the number of companies which it would be necessary to keep at each post.

Question. State whether you think that the number of posts in Texas can be reduced, or the number of troops at the posts. If any changes ought to be made, what do you think they ought to be?

Answer. There are two lines of posts in Texas. One covers the frontier, and protects the settled portions of Texas, commencing on the Rio Grande, at Fort Brown, and extending up the river as far as the settlements go, then sweeping around in a semicircle toward Fort Sill, in the Indian Territory. That line of posts is intended to prevent the incursions of Indians into the settled parts of the State. There are one or two posts on this line which might perhaps be abandoned and located at other points, but I do not think that the number of posts can be materially changed. I made some recommendations with reference to the minimum amount of cavalry and of infantry that should be kept at each post. I recommended that one regiment of infantry might be dispensed with; that if it was needed elsewhere it could be taken away without injury to the service. The other line of posts extends on the stage-road running toward El Paso, from the settled portions of Texas. It is an eastern and western line. It leaves the frontier line of posts at about Fort Concho, and runs to the southern part of New Mexico across the Staked Plains, almost on the line proposed for the Southern Pacific Railroad. It is a line of posts that was established under the treaty with Mexico by which we agreed to prevent the Indians making incursions into Mexico.* Fort Stockton is one of the posts; the next beyond is Fort Davis, and the next Fort Quitman. I understand that we have since paid money to Mexico in order to relieve us from that treaty obligation, but still there is a considerable amount of travel over that road. General Reynolds encouraged it and sent military escorts with persons driving cattle by that route, and the posts have been kept up since partly with a view of keeping open that line and partly from the knowledge that if the building of the Southern Pacific Railroad is pushed forward the posts would be needed there.

Question. So far as the settlements in Texas are concerned do these forts afford any protection?

Answer. These posts do not.

Question. What posts do you enumerate under that clause?

Answer. Leaving Fort Bliss, there would be Fort Quitman, Fort Davis, and Camp Stockton that do not cover the settlements.

Question. State the comparative expense of maintaining those posts, at Camp Stockton, Fort Davis, and Fort Quitman. Are they more or less expensive by reason of their remoteness?

Answer. They are more expensive than the posts nearer, because provisions have to be transported farther. In the north of Texas there

are two important posts—Forts Richardson and Griffin—intended, in connection with Fort Sill, to guard that part of the State. An attempt to consolidate them and make one post take the place of the two has been made, but thus far, on account of the difficulties of the country, it has not been found possible. I think that in most cases serious difficulties would be found in changing or giving up established posts which have grown out of past necessities.

Question. Can troops operate almost as well from the present positions?

Answer. Yes; they accomplish the purpose had in view where they are.

Question. Going farther to the north, what do you think of the posts in Kansas?

Answer. I cannot speak in regard to them, because it requires a study of each particular post, and I have not been there. I do not know the country sufficiently, and do not know why the posts were located where they are or why they are kept there. With reference to the posts in the Department of Dakota, the necessity for a great number of them arises from the vastness of the country. I do not think that a person who has not gone over that country can form any adequate idea of its great extent. From Fort Benton to Sioux City by the river is two thousand one hundred miles. The first post you arrive at, coming down the river, is Fort Buford, at a distance of some seven hundred miles. The river is comparatively safe in that portion of it, because the Indians there are not very bad. High up the river are the Crows, who are always considered friendly to the whites. Lower down are the Mandans and other tribes that are partially friendly. The Sioux go occasionally into that country, but not to any great extent. Their habitual place of resort is on the Missouri, below the Yellowstone, and when they make expeditions for war or hunting they generally go out south of the Yellowstone, although occasionally they do go up the river. For this reason no posts are regarded as necessary until you get to Fort Buford. There is now a project, however, got up by transportation people and by the people of Montana, to establish a line of boats from the end of the railroad at Bismarck to the mouth of the Mussel Shell, and to haul goods thence overland about two hundred miles, to the settlements in Montana. If that is done it will make a post necessary at the mouth of the Mussel Shell, and possibly other posts.

Question. Who is demanding this?

Answer. Some of the transportation people; and I presume they are connected with the Northern Pacific Railroad Company. I presume that the object is to make more business for their road, so as to make the portion already finished pay expenses.

Mr. HAWLEY, of Connecticut. Is not the Missouri River the Indian frontier, and is there any necessity for military posts east of the Missouri River?

General BAIRD. Yes, it is; leaving Fort Buford, the western side of the Missouri River is occupied by the Sioux, who are exceedingly hostile, on that bank of the river. Some of them occasionally cross over to the eastern side of the river, and there they are comparatively friendly; that is to say, at times they would not kill a white man if met on the east side of the river, and they certainly would do so if they encountered him on the west side. The posts from Buford down are located at points near where the Indians reside, near the Indian agencies, and at other places where it is necessary to supervise and overawe the Indians. I do not think that the number of posts along the Missouri River can be materially changed. Going east of the Missouri River there are several posts on the border of Minnesota and

Dakota, one or two of which are necessary. Fort Totten is a necessary post. It has been occupied by two companies of infantry; but during the present winter they had to make room there for two companies of cavalry in addition that had made part of General Stanley's expedition in the summer. There is a little reservation of friendly Indians near by, and the object of establishing the post was to keep these friendly Indians from communicating with the hostile Indians. They are all Sioux, but these are domesticated Sioux. It is much the same thing at Fort Wadsworth. This post is quite near to the settlements, but there is an Indian reservation in the vicinity. Fort Ransom, marked on the map, is already abandoned, I believe. Fort Seward, on the North Pacific Railroad, is still of temporary utility, but may soon be abandoned.

By the CHAIRMAN:

Question. Is there any danger there from the Indians?

Answer. No; I think not. It is possible that the Indians might raid upon the settlers there, but not probable. In winter it seems to be necessary to keep a body of men at Fort Seward, so as to be able to communicate with the other posts.

Question. Is Fort Snelling necessary?

Answer. I think not.

Question. Is Fort Ridgely necessary?

Answer. That is abandoned. Fort Abercrombie was necessary two or three years ago, but it is not necessary any longer, except to shelter teams and men during the winter. Further than that, it is of no use whatever.

Question. Would you make the same statement about Fort Snelling?

Answer. That is my judgment.

Question. What would you say of Pembina?

Answer. I do not think that Pembina was necessary when it was built.

Question. How many men can take care of such forts as may be necessary for store-houses and for the protection of men and animals in the winter—how many men can take care of them in the summer?

Answer. A very few men—ten or a dozen, perhaps.

Question. Are these posts in such condition as that they need extensive repairs, looking to the short time that they can be used?

Answer. I think not. These posts were built of very poor materials. They do not last very long. Fort Snelling is a permanent post, and is the headquarters of a regiment, but of course the military is of no more use there than a post at Indianapolis would be. Three or four men would be all that would be needed to keep the place in order.

Question. What have you to say about those posts in Western Montana, about the head-waters of the Missouri River? Can any of them be dispensed with?

Answer. I think one might—Fort Benton.

By Mr. HAWLEY, of Connecticut:

Question. You spoke of Pembina not being needed when it was built. Are there not liable to be border disturbances occasionally, and is not a military force necessary there as a police force?

Answer. That is true. The recent political troubles that have arisen on the other side of the line, and the arrest of some of our people, would show that. This commission can appreciate as fully as a soldier the necessity of a force for such a purpose. When you get into Montana, on the head-waters of the Missouri and on the Yellowstone, there is an-

other frontier on the west of the Indians. The Crow Indians are in that region, and they are friendly; but at the same time they will steal, and if they catch a man out by himself they will amuse themselves by taking his scalp, as any Indian will. As a general rule, however, they are friendly. There are also Indians who cross the mountains from the west and come to the plains on the Missouri to hunt during the summer. As they pass down they usually try to steal horses to hunt with, and that brings on collisions between them and the miners, and the troops are kept there pretty much to prevent difficulties of that kind. Camp Baker, just east of the Belt Mountains, was intended to protect the miners in several gulches of the Belt Mountains. The outlook of these gulches would be thirty or forty miles apart; but this one post on the plains was intended to watch over those gulches. North of Fort Shaw are the Piegans and Bloods, the Indians that Baker had his fight with. They are all Blood-Indians, and that post is intended to keep them in check. It is a very important post—a large one. Then there is Fort Benton, at the head of navigation on the Missouri. That is about sixty miles from Fort Shaw. There is a difference of opinion as to the necessity for it. They have only kept one company there to guard stores landed from steamboats. They are a pretty lawless set of people there, but I do not think that Fort Benton is necessary. The only remaining post is Fort Ellis, which is farther south and just near the settlements in Bozeman Valley. It is quite an important post. I think that in a short time, particularly if the railroad progresses, it will be moved a little farther east, over the mountains. It is a cavalry post, and controls the Upper Yellowstone.

The CHAIRMAN. Coming farther south, into Wyoming, what would you say about those posts?

General BAIRD. I do not understand those posts so well. I never belonged to that department. It has been thought very desirable by General Sheridan and other officers to have a large increase of the cavalry force at Fort Ellis. He would like to put a whole regiment there, but the cavalry cannot be spared from other quarters.

By Mr. ALBRIGHT:

Question. What is the condition of Fort Benton as to repair?

Answer. The fort itself is an old fur-trading establishment, which we purchased about five or six years ago. It was about tumbling down then. It is a miserable set of old buildings and hardly fit for occupancy now and was not when it was purchased. It was bought for a very small sum.

Question. Is it not calculated to endanger the health and life of the troops, if not put in better condition?

Answer. I do not know that their lives and health are in danger, but it is a very miserable and uncomfortable old rookery. I do not think it worth spending any money upon for repair.

By the CHAIRMAN:

Question. State whether these troops can be concentrated at fewer posts.

Answer. The establishment of these posts usually arises from the necessity of having a force at a particular point. Generally it makes no difference whether there are two companies at a post or a whole regiment. The object is simply to occupy that spot of ground. A regiment of troops at one of those posts, (if it is dismounted,) has no more effect a hundred miles off than a force in Chicago would have in controlling Indian-

apolis. These positions have been chosen with a good deal of care and as the result of experience. I think that all the officers of the Army—certainly from the colonels down—would be very glad to have all the troops concentrated in large posts. They desire this very much, and urge it; but the Army being small, it becomes necessary to divide up the troops into these little posts, which injures very much the efficiency and discipline of the regiments. But as we cannot do otherwise with the small force that we have, I do not think that the number of posts can be materially diminished. I believe that the generals who have charge of departments and divisions in certain portions of the Territory are disposed to concentrate as much as possible.

JANUARY 21, 1874.

Examination of the witness was continued as follows:

By the CHAIRMAN:

Question. State the condition of the Indian tribes in the neighborhood of the posts you have visited as to their friendliness or unfriendliness, or a disposition of mischief toward the whites.

Answer. Nearly all the wild Sioux occupying the region on the Missouri River as far up as the Yellowstone, and wandering beyond it, are exceedingly hostile. The other Indians—the Piegiens and Bloods—on the north, up the Missouri, are also hostile unless they are kept in restraint. The Crows on the Upper Yellowstone are called friendly; they are comparatively friendly.

Question. What proportion of their men do you regard as really hostile and mischievous?

Answer. They are all hostile, I think; but the older men would refrain from committing outrages from fear of bringing themselves into trouble. The young ones are not restrained by that feeling.

Question. Are the older men governed only by prudential reasons?

Answer. Yes.

Question. And not by a spirit of friendliness?

Answer. O, no. The same is the case with reference to Indians who raid into Texas; they occupy the Indian Territory and wander into the staked plains. They are, chiefly Kiowas, Cheyennes, Comanches, and Apaches.

Question. In view of that, you consider the presence of a considerable military force in each of these regions important and necessary?

Answer. Absolutely necessary.

Question. Have you ever considered this subject with reference to the protection of any tribes of Indians as against the whites?

Answer. No; I have not considered it particularly in that light.

Question. State whether, in your judgment, the Army, with advantage to the country and to the service, or to either, can be diminished in number in any part of the military establishment.

Answer. The line of the Army might be reduced, perhaps, to some small amount, without immediate detriment; but my impression is that there would be no economy in it. It probably would have to be increased again in a short time; and it is not at all certain that all the troops we have are not needed now. If there is any reduction to be made I suppose it could better be made in one or two regiments of infantry than in any other part of the Army. I do not think that any portion of the cavalry could be spared.

Question. Do you think that any portion of the artillery could be spared?

Answer. The artillery is on the sea-coast and is not needed immediately; and possibly there might be some reduction in the artillery.

Question. Ordinarily how many men can take care of one of those sea-coast fortifications, to preserve it from decay and from destruction by the elements, or from marauders and intruders?

Answer. One or two companies are sufficient for that.

Question. Could not a squad of ten or fifteen men under a sergeant attend to it?

Answer. Yes; a squad could do so.

Question. How much of the work of keeping in repair and preventing destruction by the elements is done by the soldiers who occupy these posts?

Answer. Very little. The Engineer Department keeps the fortifications in repair.

Question. Do they hire civilians for that purpose?

Answer. I presume that when damages to fortifications occur they hire hands. No work on any of the permanent fortifications is done by soldiers.

Question. I see that in the Department of the East there are 1,826 soldiers. In view of the works to be occupied there and of the frontier to be guarded, and in view of the absence of hostile forces in the neighborhood, do you think that 1,826 soldiers are necessary?

Answer. No, sir. If there were trouble in Florida or Texas to-morrow, the soldiers could be withdrawn from the Department of the East and sent there. I believe the engineers would rather not have soldiers in the fortifications.

Question. Aside from the engineer force that is required to keep forts in repair and to protect them from damage by intruders, can the military force now in those forts be dispensed with?

Answer. Yes; I think so.

Question. I see that in the Department of the Lakes there are 2,470 soldiers. State whether there is any military necessity to have those soldiers there.

Answer. There is only one post on the lakes that I know of which it is necessary at the present time to keep for military reasons. That is the post at the Sault Saint Marie. It is necessary in order to protect the canal, which would be liable to be depredated upon by vicious people. That is the only post in the Department of the Lakes where I suppose troops to be necessary, except with a view of keeping a police force on the Canadian frontier. That is a question of civil politics, and not one for military consideration.

Question. You say, then, that you have no information as to the necessity of keeping a police force there?

Answer. I know nothing about that question.

Question. I see that by the last report of the Adjutant-General there were 3,223 soldiers in the Department of the Gulf, and 2,192 in the Department of the South. Is there any military necessity at present for the presence of troops in that region?

Answer. There is no military necessity for it that I am aware of. I think the troops are kept there rather from political considerations. I mean that they are there to be used as a restraint in case political difficulties should arise. I perhaps ought to except the sea-coast fortifications, such as Key West, Tortugas, Pensacola, and Fort Monroe—those fortifications that are occupied as against foreign enemies.

Question. Then your answer would apply to the troops that are stationed in the interior rather than to those on the sea-coast.

Answer. Yes, sir.

Question. Coming then to the sea-coast, can you make an estimate of what the smallest force would be that would be necessary for the occupation of those forts?

Answer. I suppose that, with the exception of Key West, Tortugas, and New Orleans, the garrisons might be withdrawn from all of those forts for the time being, leaving simply the ordinary fort-keepers that the Engineer Department would put there.

Question. In view of the disturbances that have occurred in Louisiana, and the unsettled state of affairs and the possibility of future disturbances there, would not some military force be necessary at New Orleans as a police force?

Answer. My own impression has been, when living at a distance from that region, that all the troops might be withdrawn from the South; but when I have been there I have met with many very intelligent people who claimed that the presence of the troops there is necessary. There is a difference of opinion about it among statesmen and civilians, rather than among soldiers. The soldiers remain in the country, and do not know whether there is any necessity for them or not until they are called upon by the civil authorities to act, and then they simply perform their duty.

Question. If the Army is to be diminished, in what branches or departments can that reduction be made with the least detriment to the country and the service?

Answer. In my judgment it ought to begin with cutting down some portions of the infantry regiments. Next to them, if we were to have further reductions, it ought to be in the artillery.

Question. What have you to say as to the reduction of the engineer battalion stationed at Willet's Point and West Point?

Answer. The company at West Point is, I think, useful. I have never seen the other companies of the battalion, and do not know what duties they are employed upon. I have seen it stated that one of their duties, that of manufacturing and using torpedoes, is an important one; but beyond that I cannot see any necessity for those troops whatever.

Question. State whether or not it would be better to reduce the Army by organizations or by diminishing the number of men by stopping recruiting?

Answer. If the Army were my own private property, and I was compelled to reduce it, I would cut off one or two organizations, although I think it would be very hard on the officers of those organizations, and that some provision ought to be made for them.

Question. State whether or not, in view of the large annual diminution of the number of officers, (83 in the last year,) the number of organizations might not be decreased without detriment even to the officers themselves who are in the service.

Answer. I do not think a single regiment could be cut off without detriment to many of the officers, but I believe that the fairest way to do it would be to take the officers of a regiment that is mustered out and distribute them among the regiments that are maintained, and let them be absorbed gradually.

Question. Could this be done without reducing the rank of these officers?

Answer. Yes, sir. For instance, if you cut off one regiment of in-

fantry, I would distribute all the captains of that regiment among other regiments as supernumerary captains; and so with the lieutenants. There will always be duty for them to perform, and as vacancies occur, they would be taken up. If a regiment is cut off, I think it only fair that its officers should be distributed among other regiments as supernumeraries.

Question. Would there be any difficulty in that?

Answer. I think not.

Question. Are there any branches of the staff which may be diminished in number or consolidated with others?

Answer. In the testimony which I gave to the military committee last year, I favored the consolidation of the supply departments into one department, and also of the Adjutant-General's Department, the Inspector-General's Department, the Signal-Service, and others into another department. I was in favor of that, but there is a great diversity of opinion on the subject in the Army.

Question. Taking the organization as it is, can you suggest any plan by which the present number of staff officers can be advantageously diminished? If so, state in what branches of the staff.

Answer. I would have to consider each branch of the service separately. Beginning with the Adjutant-General's Department, we see where all the officers of the department are usefully employed, and we see that there are still places vacant for assistant adjutants-general, and the Adjutant-General has no officers to assign. He says that he has not now enough of officers. There are two or three or four vacancies now in that department of the staff.

Question. State whether or not the adjutants of regiments can be dispensed with—whether a detail cannot be made from officers of the line to act as adjutants of regiments?

Answer. That was formerly the case. Some years ago the adjutant of a regiment was a lieutenant in the regiment, who was detailed for that service. But the practice grew up, about the time of the war, of making the adjutant a supernumerary lieutenant. It is practicable, of course, as it was formerly, that the adjutant of a regiment should be the lieutenant of some company in the regiment.

Question. State whether or not the quartermasters of regiments can be dispensed with.

Answer. The regimental quartermasters and the regimental adjutants may be, at the same time, simply lieutenants belonging to companies in the regiment, and not supernumerary lieutenants. The opinion of the Adjutant General with reference to the number of officers which he requires I regard as the strongest evidence on that subject. But if the Congress should find it necessary to make a reduction, I think the best way to begin would be by declaring that the vacancies which now exist should not be filled. I think that, in reference to the Adjutant-General's Department, it is quite important that the question of promotion should be settled. It is now in abeyance under the act of Congress. I believe that that bar should be removed, and the number of officers that Congress chooses to leave in each grade should be fixed now, and let promotion go forward; and hereafter, when new appointments are made in the Adjutant General's Department, they should be captains and not majors, as it was before the war.

Question. Would it not be a good plan to detail officers of the line to do duty temporarily in the staff corps, requiring them to go back to their regiments after a tour of duty here of four or five years?

Answer. No, sir; I think not. There are some always detailed to

perform that duty, but this detail would soon become a matter of favoritism, and there would be constant trouble and change resulting from it. I do not think it would be as just as it is now.

Question. Would it be any more a matter of favoritism than the appointment in the first place?

Answer. Yes; I think it would be. Every lieutenant in the Army would be using all the political and other influence he could get to get a detail of this kind. Of course, they do use influence now to receive the appointment, but after they are once in the office there is but little trouble afterwards. There is no effort to turn them out. I think the present system of appointing them is best. It seems to me that it would be well now to fix the number of colonels. I assume that it would be fair to leave the two colonels that the department is now entitled to by law, and to give to it two, three, or four lieutenant-colonels. If the bar to promotion in the Adjutant-General's Office were removed General Fry would be the second colonel. There are two lieutenant colonels, and there would be then two vacancies, perhaps. Then it would be a question about filling these vacancies. The number of majors might also be fixed by law, and no promotion to the grade of major should be made until the number should be reduced to so many, leaving all that are appointed afterwards to the Adjutant-General's Department to come in with the grade of captain. Whatever reduction Congress chooses to make might be made fairly in that way.

Question. Your remark in reference to the Adjutant-General's Department would apply to the other departments as well?

Answer. Yes, sir; I think so.

Question. Pass on now to the Commissary Department and the Quartermaster's Department.

Answer. The Quartermaster's Department is really the one that presents the greatest difficulty. I think that all the trouble in reference to the staff arises from the fact that the Quartermaster's Department is, perhaps, too large and the grade of officers in the department is too high.

Question. If there must be a reduction, you think it would be best to have it made there?

Answer. That is the place that it is needed. The oldest and best officers in the department acknowledge that to be the fact.

Question. Are there not a large number of officers detailed on duty in these departments?

Answer. As a matter of course.

Question. State whether the number of quartermasters can be reduced.

Answer. I think the number of quartermasters ought to be reduced if it can be done in any fair way.

Question. Can you diminish the number of staff-quartermasters at posts?

Answer. Staff-quartermasters are not willing to perform the duties of those little posts. They were fixed at larger places. We cannot afford to place a man having the rank and pay of captain or major as a regular staff-quartermaster at every little post, which may be commanded by a lieutenant or captain.

Question. Then you say that the quartermasters on the staff are not employed as post-quartermasters or as camp-quartermasters?

Answer. As a general rule, they are put in charge of depots and of large important posts.

Question. State whether or not, generally, there are more than are needed to take charge of these large and important posts.

Answer. I think there are more than required.

Question. Have you an idea of how many can be dispensed with?

Answer. No, sir; I have not.

Question. What is the reason that these quartermasters of the staff cannot be advantageously put on duty at posts?

Answer. They are men of high rank and have high pay, and it would be a useless expense to put them to perform the trifling duty that has to be done at smaller posts. It is usually a lieutenant at a post who does this quartermaster's duty, and he usually does his company duty at the same time. He is usually the commissary, and, at the same time, the adjutant.

By Mr. MACDOUGALL:

Question. Does he get extra pay for that?

Answer. No. If a lieutenant is detailed to be adjutant of the post, and commissary, and quartermaster, and to have charge of the bake-house, he has no additional pay.

By the CHAIRMAN:

Question. State what reduction, if any, can be made in the Commissary Department.

Answer. I do not think the Commissary Department is too large, so far as I know. There are several vacancies in it now, and perhaps two or three officers who are eligible to retirement.

Question. State what can be done in that view in the Inspector-General's Department. Can any reduction be made in it?

Answer. I think there might be. I think there is no necessity for filling the vacancies which now exist in the Inspector-General's Department. My opinion, in reference to the Inspector-General's Department, of which I am a member, is that all the officers in the department ought to have high rank. I think they all ought to have the rank of colonel, and that the number of them ought to be reduced. I think that Congress might abolish the grade of assistant inspectors-general—promoting the three assistant inspectors-general to the grade of inspector-general, with the rank of colonel, and that no additional pay should accrue by virtue of that promotion. That would abolish two majors, now kept at the cost of \$5,000 a year, besides their incidental expenses. Congress should then provide that no appointment should be made until the whole number of inspector-generals was reduced to five. I think that the Inspector-General's Department might be reduced in that way.

Question. Passing on, then, to the Engineer Corps and the Ordnance Department. Are you prepared to give an opinion as to whether they can be reduced advantageously to the service and the country?

Answer. I am not familiar with the duties which the Engineer or the Ordnance Department performs at the present time, but my opinion has been that both corps are larger than has been necessary—particularly the Engineer—if they are confined to what I would regard as strict military duty.

Question. In view of their duties as engineers, having charge of the improvement of rivers and harbors, is the department too large?

Answer. The Chief Engineer seems to keep all his officers employed.

By Mr. GUNCKEL:

Question. State whether it is necessary, so far as your knowledge ex-

tends, to have a large number of civil engineers employed in aid of the Army engineers on public works?

Answer. I think it is necessary where work is to be performed. If it is an important work, an officer of some rank is put in charge of it; but there would be a great amount of detail in carrying out the work. For instance, in the improvement of a harbor there would be a vast number of men to be employed, and there must be a number of civil engineers of more or less skill, though not of the capacity necessary to take charge of the work themselves. The engineer, of course, cannot with his own hands build the cribs, or make all of the surveys. He is usually supervisor in the office of all the work. He directs it; but a great many men are requisite to perform all the minute details of the work.

Question. Can you say whether any of the civil engineers connected with the Engineer Department can be dispensed with?

Answer. No, I cannot, because I never have had opportunities of judging in the matter.

Question. Are you sufficiently acquainted with the duties of the Signal-Corps to say whether that branch can be reduced?

Answer. It seems to be a large establishment, and it seem to be popular, and to be regarded as useful by the country; but I would greatly prefer seeing it transferred to the Interior Department, or from the War Department to some other, so that it may not be a burden on the appropriations for the War Department.

Question. State whether the Bureau of Military Justice can be reduced in any manner?

Answer. I think that the Bureau of Military Justice is unnecessarily large.

By Mr. YOUNG:

Question. Do you think that the Bureau of Military Justice might be abolished altogether?

Answer. I think that it could be abolished with advantage to the service, and all of its duties put in the hands of an officer in the Adjutant-General's Department.

By the CHAIRMAN:

Question. Are you prepared to say whether the Surgeon-General's Department can be advantageously reduced, either in officers or detailed men?

Answer. I do not know that the number of officers of the department and of hired surgeons is too large. I presume that it is not.

Question. Do you know anything about the hospital-stewards employed there?

Answer. I do not know how they are employed. I think that the system of hiring contract-doctors works very well and gives a good deal of satisfaction.

Question. State whether, at distant posts, it is not easier to get along with a contract-physician than with an Army surgeon, who may have higher rank than the commander of the post.

Answer. It is very seldom that an Army surgeon at a post ranks the commanding officer at the post.

Question. Would it be good policy to fill up the medical staff with enough of surgeons to supply all the posts, and to dispense with contract-physicians entirely?

Answer. I cannot see that there would be anything gained by doing it.

Question. Which is the cheaper, the contract-system or the Regular Army surgeon system ?

Answer. I am told that the contract-surgeon receives nearly the same amount of pay as the officer of the regular establishment, though probably not quite so much.

Question. Does the contract-surgeon get mileage ?

Answer. I think that on being employed he would receive the cost of his transportation from his home to his post of duty. I do not think that under any other circumstances he would be allowed mileage. When traveling on duty an officer of the regular establishment would receive 10 cents a mile, but a contract-surgeon would only receive his actual expenses.

Question. What would you say as to the Pay Department ?

Answer. I think there ought to be about 50 paymasters to pay the Army. I do not know exactly how many there are now ; but in conversation with General Sheridan and other officers, we have come to the conclusion that about 50 officers are enough to pay the Army.

Question. In view of a reduction of the Army by 5,000 men, could the number of paymasters be reduced advantageously below 50 ?

Answer. I do not know whether there could be any further reduction or not. I have put fifty as a kind of maximum. Fifty men can pay the Army. Paymasters have very hard work to perform, perhaps the hardest of any officers of the Army, and next to them the inspector-generals.

Question. Having gone through the entire staff, would you say that if the Army were reduced one-fourth in number a corresponding reduction could be, or ought to be, made in the staff.

Answer. No, sir ; I do not see how it would make any difference whether you take one-fourth away from the Army, or add one-fourth to it, or double it. It does not seem to me that it would make any difference in the necessity for the staff. Our staff is supposed to be sufficient for a large army.

By Mr. HUNTON :

Question. Suppose the reduction were made by organizations, would not that necessarily reduce the number of staff officers ?

Answer. No, sir. For instance, if you should knock off two, three, four, or five regiments of infantry, and keep up the same posts that we do now, there would be the same number of staff-officers required. We would only occupy the posts with smaller garrisons instead of larger ones.

By Mr. ALBRIGHT :

Question. In view of what you have stated, and from your knowledge of the country, of the Indians, and of the public property to be protected, is it your opinion that it would be safe, prudent, and judicious to reduce the Army at this time ?

Answer. I do not. I do not think that, in the long run, it will be wise to make any reduction, or that it would be any material gain in economy.

Question. If you were to withdraw the artillery from the coast fortifications, how would you propose to take care of that public property ?

Answer. By leaving it in charge of the ordnance-sergeant, or fort-keeper, as has been done whenever troops have been withdrawn. It

has happened on many occasions that the troops have been taken from all the posts on the sea-coast, to be used in actual war elsewhere, and have been away for one or two years at a time, and the property remaining there has been left in charge of an ordnance-sergeant with one or two men.

Question. Please state whether the troops, both cavalry and infantry, are moved out from the forts and posts in the interior of Dakota, Kansas, and Nebraska to the neighborhood of the Indians in the summer, or whether the infantry does not mainly remain in the posts.

Answer. Numerous parties, sometimes large and sometimes small, are sent out every year to travel through the country in which the Indians range, and to place themselves in closer proximity to the wild bands than they would be in these posts, and very frequently temporary camps are established at points near where the Indians are expected to resort. These parties leave their heavy baggage and stores at these regular posts, and return to them when their work is accomplished. Cavalry is universally employed in this manner; but when it cannot be procured the infantry is used in the same way, and very frequently the two arms are united in the same expedition. For escorting trains and guarding herds on the move infantry is more frequently used, and the cavalry reserved for rapid movements. There is an immense amount of this work to be done, and the infantry at posts like Abercrombie, which have no military use themselves, are generally kept quite busy all summer on duty of this kind. Officers' wives and the sick and company baggage are left at the post.

Question. In the Indian country where there are troops is the conduct of the soldiers prejudicial and demoralizing to the Indians?

Answer. I think not at all.

Question. From the inspection that you have made of the troops, about what proportion of them do you find unfit for military duty at the various posts?

Answer. I never made any estimate of it, but the number is small. In a healthy locality, usually nearly the whole command is fit for service all the time. And nearly all the Army is stationed in healthy regions. Formerly it was not so.

Question. State whether the presence of troops is not only necessary to restrain hostile Indians, but to protect peaceable Indians from the imposition of whites.

Answer. There are several of the posts that we spoke of yesterday that have been established with that view—to prevent peaceable Indians on the reservations from being tampered with by wild Indians, and also to prevent white people from encroaching on them, and to act as a sort of police force and suppress the difficulties which would result from collisions. The posts at Fort Wadsworth and Fort Totten are in a great measure intended for that purpose.

By Mr. YOUNG :

Question. Are there any more hostile Indians now to be kept in check by the Army than there were in 1861?

Answer. There are not more of them.

Question. Are there as many?

Answer. I do not think that the number of Indians has materially decreased; but the point is, that we are in closer contact with them than ever before. I think that in ten years the Indian question will be all settled. The Indians will be so far suppressed and located that there will be probably very little difficulty with them. The extending

of railroad lines through the Indian country, and the pushing out of settlements in every direction, (as they have gone for the last six or eight years,) have brought white people in immediate contact with the Indians, and that makes it necessary to have more troops than formerly. If the late panic had not occurred, and the Northern and Southern Pacific Railroad lines gone forward, we would have wanted considerably more posts and more troops. I doubt whether, even by taking all the troops out of the Southern States, there would have been enough to supply the demand for men. The Northern Pacific Railroad would have required four or five additional posts. Two full regiments of cavalry and two regiments of infantry more than there are there now would have been required on that road.

By the CHAIRMAN:

Question. Do you think that the Northern Pacific Railroad can be completed on the route proposed without war with the Sioux tribes?

Answer. Yes, if you send enough of soldiers.

Question. How many?

Answer. Two regiments of cavalry and enough of infantry to occupy two or three strong posts—hardly so much infantry as cavalry.

By Mr. YOUNG:

Question. What duty are the troops in the South required to do?

Answer. I think simply to stay in their quarters until they are called upon by the civil authorities, by direction of the President or somebody else, to do something or other.

Question. Has there been any use for them within the last six or twelve months?

Answer. You are better informed of that than I am. I have not been in the southern country for more than a year, and I do not recall any instance within that time where the troops have been called upon to act. Two years ago I was in Kentucky, and the troops were chiefly engaged then in suppressing illicit distilleries. Last year, when the Northern Pacific Railroad made its survey, it was necessary to get up a large expedition to protect the surveyors, and then parts of two regiments of infantry had to be sent from the Department of the Platte. If the troops that are now in the southern country had been in the West they would probably have been used for that purpose.

By Mr. HUNTON:

Question. You said awhile ago that the conduct of the soldiers was not prejudicial or demoralizing to the Indians. State what opportunities you had to make observations among the Indians.

Answer. Only by visiting posts.

Question. You have not visited the Indians with a view of finding that out?

Answer. No, sir; I visited the agencies. I have been called upon to inspect the troops at Indian agencies. Of course my stay there was not long, but I got a general knowledge of everything that was going on.

By Mr. YOUNG:

Question. Suppose that the Army was very much diminished, and there should be an Indian war or Indian raids, do you think that contract troops could be used by the Government with advantage?

Answer. No, sir; they are much more expensive. It takes a good while to organize them, and after they are mustered out they have a

variety of claims against the Government, making them much more expensive than regular troops would have been.

Question. How are the artillery troops generally used now ; are they used as infantry a good deal ?

Answer. Almost entirely.

Question. Are many of those artillery regiments on the frontier ?

Answer. There are none on the frontier. With the exception of one or two batteries in each regiment the rest of the artillery is armed with muskets. At present they are nearly all at the forts. I was an artillery officer ten or twelve years, and during most of that time a large portion of my regiment was either in Florida or Texas, away from any access to guns. For instruction they sent them down, every two or three years, to the school at old Point Comfort to practice artillery, and to study at the same time.

Question. Is not that school of artillery a very expensive establishment ?

Answer. I do not know that it is. There are simply two companies from each regiment concentrated there, and the additional expense for a little material and for experimental firing I presume is not great.

By Mr. GUNCKEL :

Question. Suppose that no vacancies were filled during the coming year, what reduction in the number and pay of the officers would be effected ?

Answer. The amounts could be readily calculated, with a near approach to accuracy, but I have not the means at hand to make it now.

WASHINGTON, D. C., *January 22, 1874.*

Major-General POPE appeared before the committee in response to its invitation.

The CHAIRMAN. What has your command been within the last few years ?

General POPE. I have commanded, for nearly four years past, the military department of the Missouri. The department is bounded on the east by Indiana, on the west by Arizona and Utah, on the north generally by the Union Pacific Railroad, and on the south by the Indian Territory, a portion of which is within my command.

The CHAIRMAN. State whether there are in your department troublesome, mischievous, or hostile Indians ?

General POPE. The wild Indians who infest the greater part of the department of the Missouri, beginning at the south, are the Arapahoes and Cheyennes and Kiowas, and the Comanches and Apaches of the plains, and the Apaches of New Mexico, on the south. On the west and northwest, we have the Navajoes and the Utes. On the north of us we are invaded almost every year by the northern Cheyennes and by the various bands of Sioux north of the Platte.

The CHAIRMAN. State whether there is any danger in the State of Kansas from the inroads of Indians ?

General POPE. They are in constant danger of those Indians who prowl through the country, following the buffaloes in every direction that they go. Frequent attacks have been made in years past—not within the last—on the frontier settlements of Kansas, which are advancing rapidly toward the west along all the streams.

The CHAIRMAN. State whether, in your opinion, any of the military posts in eastern and in central Kansas can be dispensed with.

General POPE. There are posts that can be dispensed with, although the troops occupying them cannot.

The CHAIRMAN. What would you do with the troops?

General POPE. The difficulty about abandoning a number of those small posts, which are expensive, lies in the fact that in winter we have no other shelter for our troops. In summer I keep almost all the troops of the department in camp. I keep them moving about so as to cover these frontier settlements. But in the bitter winters they must have quarters to shelter them, and these small posts have been kept on that account.

The CHAIRMAN. What is the additional expense of keeping up those posts in comparison with having one large post a little farther out on the frontier?

General POPE. The keeping up these small posts involves, no doubt, a very great expense, a good deal of which might be saved by keeping the troops at larger posts.

The CHAIRMAN. Have you any plan to suggest by which the troops can be stationed more conveniently to the field of operations, and with more economy to the Government?

General POPE. I have stated a plan, and urged it for the last three years, which you will find in my annual reports; a plan for a consolidation of the small posts into one or two large posts, and to dispose in some way or other of the posts and reservations that would be abandoned.

The CHAIRMAN. Where would you concentrate them?

General POPE. In my opinion no more than two posts are needed in place of the five, six, or seven posts that there are at present in that portion of the country. These I think should be Fort Dodge, on the Arkansas, in Kansas, and Fort Lyon, on the same river, in Colorado. Those forts are there on purpose to interpose, along the line of the Atchison, Topeka and Santa Fé Railroad Company, between the Kiowas, Comanches, Arapahoes, and Cheyennes, and those settlements in Colorado and Kansas. These two forts would be sufficient for the troops needed *in winter* in that immediate section, (when alone they need shelter,) because it is better for the troops, as well as for the service, to keep them in camp all the summer, where they are in better health, in better condition, and are better satisfied. I would not be very particular about where the rest of the troops needed for summer service were wintered. I would as soon have them at Fort Riley, or even at Fort Leavenworth. The services of these troops is very rarely needed in winter out on the plains in the vicinity of the present posts. The Indians, both north and south, generally retire to the wooded country, either very far north or south during the winter season; they are not able to live upon the plains, and it is not until the grass grows sufficiently in the spring to subsist the animals that the Indians venture into that country at all. If we had the larger part of the troops that we need for the service at some central point, we can with our railroad facilities put them out upon the plains in time to prevent an advance of the Indians upon the settlements, so that the expense of transporting supplies and maintaining troops at those remote posts during the winter, when they are not wanted, would be entirely saved by having them at some central place, like Leavenworth, where they can be cheaply subsisted, and from which they can be sent to the plains in the summer.

The CHAIRMAN. State whether any considerable amount of expense would be attendant on moving them so far to the rear, or whether you think that one or two large posts had better be made rather out toward the front.

GENERAL POPE. The expense of moving them would be trifling, because the troops can be marched in. There is no trouble about that. The expense attending this would be all at the beginning, and that would be in building the necessary quarters to shelter the troops during the winter.

The CHAIRMAN. What character of quarters would you build ?

General POPE. The kind of quarters would depend entirely upon Congress.

The CHAIRMAN. What would you suggest ?

General POPE. I will tell you what we have. I believe that the reservation at Fort Leavenworth would be necessary to be occupied for a good many years yet, for various purposes and for various reasons, even for some time after the Indian question might be considered settled, (which is still a thing in the future.) If I had my way about it, I would prefer to build substantial quarters, which would last, and which could be sold by the Government when the Government ceased to occupy them. I would have those quarters so built, that when it became time for the Government to dispose of the reservation and of the quarters, they would be in such shape that they could be made use of by citizens. The trouble about the frail frame shanties and buildings of that kind, which are being put up with the appropriations that we get, is (setting aside for the moment the discomfort of the men and officers) in fact, that they do not last more than a very few years, and that they require continual repairs. My own opinion is, that in the course of ten years the repairs on one of those miserable posts would cost enough to build a post that would last fifty years. In point of fact, we have at Fort Leavenworth now, where my own headquarters are, the ordinary log buildings ; we are still occupying the buildings that were put up there in 1829—the old log buildings, which are really the best we have.

The CHAIRMAN. Some propositions are before Congress to consolidate the Indian Department with the War Department ; in view of your experience with the Indians, we should like to have your views as to the better management of the Indians, whether by the War Department or by the Interior Department ?

General POPE. In answer to that question I will state that seven or eight years ago I was very much in favor of the transfer of the Indian Bureau to the control of the War Department, and I have, in various official communications, by personal letters and in conversation with those having authority over the matter, urged that transfer to be made. Since that time, however, the larger part, if not all of the dishonest agents and their followers who infested the frontier, and had so infested it for fifty years, who by virtue of making treaties with the Indians, had the disbursements of large sums of money and of great quantities of goods, and had thus rendered themselves and their followers more or less rich by plundering both the Indians and the Government, and whose theory of the true condition of things in the Indian country was that we should have a war one day and a treaty of peace the next, have been got rid of. While such a condition of things obtained on the plains I was in favor of having the Indian Bureau transferred to the War Department ; but since the present policy has been in operation I have noticed a very decided improvement in the condition of things on the frontier, both as to peacefulness with the Indian tribes

and as to honesty in the administration of the Indian Bureau; and I believe that by the selection of proper military officers and of judicious men as superintendents and agents to the Indians, such harmony of action and such considerate good feeling towards each other might be established as to render it next to certain that in due time, certainly as soon as can be reasonably expected, the Indian problem which we have before us will be, if not entirely solved, in such a condition that it will no longer be a source of anxiety and uneasiness to the frontier settlements or to the Government. Of course, where men of such different professions as military and civil officials, and of such different temperaments, are brought into contact, and discharge such delicate duties as devolve upon each of them, there must of necessity be at times and under special circumstances more or less of difficulty; but while it makes a good deal of noise, and involves at times not overwise controversies officially, I consider, on the whole, that the progress that has been made in the settlement of the Indian question satisfactory, and gives a fair prospect for complete success in the future. I therefore believe that it is better to leave the Indian Bureau to be managed as it has been managed for the last four years. Much of the good, if not all that we can hope for, depends on the judicious selection both of the civil officers of the Indian Bureau and of the military commanders who are brought into official contact and official relations with them; and that is a matter within the power of the Executive Department of the Government to regulate. I would say in addition to that, that of course, as a general rule, the fewer heads of administration that we have to deal with the same question the better; but I am not certain that that theory would be sound in this special case. As a matter of economy, (without regard to other circumstances,) there is no doubt at all that the transfer of the Indian Bureau to the War Department would accomplish a considerable saving by eliminating all the civil officials, and by having as disbursing officers agents and superintendents who would receive no pay except the compensation they now receive as officers of the Army. But it seems to me there are other questions involved in the matter of more importance than the mere question of economy.

The CHAIRMAN. In your judgment, would or would not the present management of the system tend to avoid future hostilities with the Indians more than if the control were given to the Army exclusively?

General POPE. My answer to that is, that there are no men in the country who are so emphatically peace men, so far as Indians are concerned, as the officers and soldiers of the United States Army. Their lives are passed in that forlorn, desolate country, insufficiently sheltered, with nothing whatever of what is agreeable in life around them, and with the bare necessities of existence and shelter from storms furnished to them—many of them with no prospect of having their families with them, separated from their wives and children, (some of them being years serving in that remote country,) and with no prospect of being able to go to them so long as any hostilities exist among the Indians in the neighborhood where they are stationed. They are bound by every interest and consideration that can influence men to preserve the peace. A state of war means for them continual and harassing service. On the one side denounced by the worthy people of the East, who have but small understanding of the condition of affairs on the frontier, if they do anything to hurt an Indian, and denounced on the other side at the West by the western men if they do not hurt the Indians, they are, of all men, in the most unhappy and unfortunate condition. Peace to them means association with their wives and children. It means freedom

from continual exposure and hardship ; and it means, what perhaps is quite as valuable to them, freedom from outrageous and unjustifiable slander. There is, therefore, I say, no set of men who are more in favor of peace with the Indians, and of preserving it, and doing all they can to make it, than the officers and soldiers of the United States Army.

The CHAIRMAN. State whether the military force ought to be increased in the neighborhood of the Indians, or whether there is sufficient force there now.

General POPE. I can only speak in regard to my own department ; that is, I should only like to do so. That it is my duty to understand ; the other I should never give an opinion about that can be better given by those having immediate charge. I think I have troops enough for my own department. I have asked for no more, and I shall ask for no more. By using them as I have used them, and as I shall continue to use them, acting in perfect harmony with the civil authorities of Kansas, Colorado, New Mexico, and all the officials of the Indian Bureau, we have a comparative peace with us, and I hope to maintain it.

The CHAIRMAN. Have you visited all parts of your department ?

General POPE. Yes, sir ; not only since I have had command, but before the war.

The CHAIRMAN. Have you any apprehension of hostilities from the Indians of New Mexico ?

General POPE. They are always in what is called war there ; that is, they are always plundering and stealing, and when they get a chance to shoot a Mexican herder or a traveler they do so, although their main purpose is to steal rather than to make war.

The CHAIRMAN. How are those Indians in your department armed ?

General POPE. They have as good arms as we have.

The CHAIRMAN. Do you know how they got them ?

General POPE. No, sir.

The CHAIRMAN. Do you know of any way to prevent their getting these arms, or could you prevent it ?

General POPE. I think if we had authority to prevent it we could prevent it. I will undertake to prevent it in my own department if I am authorized.

The CHAIRMAN. Can they not get arms from the storekeepers and traders ?

General POPE. According to my idea storekeepers and traders should not be permitted to go there. I think that the curse of the Indian tribes is that they have traders there.

The CHAIRMAN. By what authority do the traders go there ?

General POPE. I presume by authority of the Interior Department. It is not by authority of the military.

The CHAIRMAN. Do not some of these Indians go to the settlements and trade there ?

General POPE. They cannot buy arms there except they come very far eastward into the towns and cities, and they never do that. So far from the settlements having arms to sell, they are trying to get arms themselves from the Government.

The CHAIRMAN. Have the Indians metallic ammunition ?

General POPE. Yes ; they understand all about these small-arms as well as we do. They have as long-range arms as we have. I do not say that they have as good arms, because they cannot get them from the Government arsenals as we ; but they have the rifled breech-loading arms.

Mr. ALBRIGHT. What force have you in your command ?

General POPE. Three regiments of infantry and two of cavalry.

Mr. ALBRIGHT. Can you safely dispense with any portion of your command ?

General POPE. I do not think so. The men are taxed to the utmost they can do. I have already within a year or two sent off one regiment or so. I have been able to spare them for service somewhere else ; but we are reduced now to what I consider the smallest limit that we can get along with safety to the settlements.

Mr. ALBRIGHT. Some of your regiments have been in that country for a good while ?

General POPE. Some of them have been there a long time. There is one regiment there that has been in that region of country ever since 1860.

Mr. ALBRIGHT. Is there any reason why that regiment has not been changed to some other part of the country ?

General POPE. The only reason that I know of is the matter of expense. That is one of the difficulties we labor under—that a regiment, once fixed in an unfortunate situation, will have to serve there for years without a change, because it is not considered wise to undergo the expense of changing regiments merely for the sake of change,

Mr. ALBRIGHT. What is the extent of the military reservation at Fort Leavenworth now ?

General POPE. Something short of 6,000 acres.

Mr. ALBRIGHT. If you were to make Leavenworth a permanent post would you also recommend Fort Riley as another ?

General POPE. I do not think we want Fort Riley at all.

Mr. ALBRIGHT. Is the presence of troops prejudicial and demoralizing to Indians ?

General POPE. I should trust not. I should say, on the contrary, that when the Indians have troops near them they have much better associations than when they have not them. There is no question about it. I take it for granted that the troops are much better associates for the Indians, under any circumstances, than those horse-thieves and ruffians who infest the frontier and the general run of traders among them.

Mr. MACDOUGALL. How will the officers and soldiers of the Army compare, in a moral sense, with the agents and employés of the Indian Bureau ?

General POPE. I should not care to undertake that comparison. I only hope that the officers and soldiers of the Army have a higher moral standard than some of the people whom I see in constant association with the Indians. The Army is certainly the equal, in point of moral character, of the community out there.

The CHAIRMAN. Can you make any suggestion as to a more economical management of your command in connection with the Quartermaster's Department ?

General POPE. I have very strong convictions on that subject, but they are merely opinions, and probably would not be concurred in here.

The CHAIRMAN. State whether or not the expenditures made in the different military departments should or should not be made under the immediate control of the department commander, as a matter of economy and policy.

General POPE. I think there is no question about it.

The CHAIRMAN. State to the committee how you suppose it would operate, and how the present mode operates.

General POPE. Thus: Some months before the beginning of the fiscal

year, each department commander is required to forward estimates for the service of his department for the year. He calls upon the post commanders in his department, who, with the aid of the quartermasters and commissaries and such other officers, forward their estimates for their particular branches. These are all forwarded to the department headquarters, and are there examined carefully by the department commander and the general staff serving with him; and they make such additions for general contingencies as may be necessary to complete the estimates. These estimates are made very much in detail, so as to cover everything. They are then forwarded to Washington, and are consolidated, I presume, at the War Department. They furnish the basis of the estimates of the War Department for the necessary appropriations of Congress, and Congress makes such appropriations as it pleases. In my judgment it would be wise, when that is done, to send to each department that proportion of the money that is appropriated by Congress to be applied to the specific purpose for which it is designed, under the direction of the department and post commanders, and for the use of which money they are directly responsible. Under these circumstances there would be no deficiency; there could be none. The money would be applied to the exact purposes for which it was asked.

THE CHAIRMAN. State whether or not, in your judgment, all of the artillery that is now used in the occupation of sea-coast fortifications is required for that purpose, or whether it could not be better posted somewhere else.

General POPE. I am but imperfectly acquainted with the reasons that have prompted the occupation of these sea-coast fortifications by these regiments of artillery; but, in point of fact, except the batteries, they are simply infantry. I should think, however, so far as I have any knowledge on the subject, that some of those regiments, at least, would be serviceable on the frontier.

THE CHAIRMAN. In your judgment, could or could not those fortified places be occupied and preserved by soldiers of the Engineer and Ordnance Department?

General POPE. I should think so.

THE CHAIRMAN. Have you any knowledge of the importance of keeping military in the South?

General POPE. I have not.

THE CHAIRMAN. State whether the presence of infantry or artillery on the lakes seems to be necessary for any military reason.

General POPE. I understand the infantry regiment that is there to have been brought there on account of very long service in New Orleans and on the Texas coast, where it suffered very much from yellow fever, and was extremely reduced in number and condition. It was simply a relief from that service.

Mr. ALBRIGHT. State whether a force on our frontier or boundary is not desirable on account of possible incursions or raids.

General POPE. I have no doubt that it is judicious to keep a small force along the Canadian frontier. It has been always done, and it serves several purposes. It sometimes enables them to give relief to regiments that have had very hard service.

Mr. MACDOUGALL. Have you ever known of ordnance sergeants being put on guard-duty at forts?

General POPE. Never. The ordnance sergeants have no connection with the Ordnance Department. They serve at military posts under the order of the post commander. They are called ordnance sergeants because they have charge of the ammunition.

Mr. ALBRIGHT. In connection with the artillery and their occupying the forts on the sea-coast, you would recommend that they be transferred?

General POPE. O, no; I would not recommend it. I do not recommend anything. All that I mean to say is, that I was imperfectly informed of the reasons that keep them there and that they could certainly be of service on the frontier. Whether they could be sent there or not is another question.

Mr. ALBRIGHT. Would they be of service as artillerists?

General POPE. They do not serve as artillerists; they are drilled and serve as infantry.

Mr. ALBRIGHT. They are kept at these posts as a sort of artillery-school?

General POPE. No; I do not think that is so, although I suppose they are instructed in large artillery practice.

Mr. ALBRIGHT. The point is whether their service can be dispensed with at these very forts and fortifications along the sea-coasts, without having their places taken by other troops.

General POPE. That is precisely a question which I am not able to answer. I do not undertake to say whether they are necessary or not.

The CHAIRMAN. State whether or not Indians who have committed wrongs and outrages on the whites have fled to their own reservations and have been there sheltered.

General POPE. They go there. Whether they are protected or not I cannot say. The military is not allowed to go in on the reservations.

The CHAIRMAN. Is it possible to arrest or punish these criminals?

General POPE. Not unless the Indian Bureau chooses to do so.

The CHAIRMAN. Has there been any conflict on that subject?

General POPE. There has been no conflict, because the military has not got on the reservations.

The CHAIRMAN. Has there been any difficulty about that?

General POPE. There has been a good deal of talk about it.

The CHAIRMAN. Do you think any arrangement can be made which would better the present condition of affairs by allowing the military force to go on the reservations and arrest offenders?

General POPE. My impression is that whatever is done on Indian reservations had always better be done by the Indian Bureau.

Question. Please state whether you have examined the new regulations, and give the committee your opinion concerning them.

Answer. I have not had the time to examine the proposed new regulations of the Army, but I am well satisfied that, as the act of Congress directing them to be made required that they should conform to existing laws, they cannot be much, if any, improvement upon the present regulations, and must therefore prove unsatisfactory. It is in the laws themselves, general and special, made at various times and for various special contingencies as they arose, within the last sixty or seventy years, that the trouble and inefficiency of our present regulations are to be found. Any regulations now made in conformity to existing laws must be nearly a reproduction of those now in existence. It is in these very laws, full of confusion and contradictory of each other, the necessary consequence of so much and such long-continued legislation, that we find the source of our present unsatisfactory Army Regulations.

If it be designed to make new regulations suited for the administration of the Army now, it would seem wisdom to organize a board of officers of rank and standing who are perfectly acquainted, through their own experience in command, with the evils of the present regula-

tions, and who (with those under their command) directly suffer or benefit by Army administration, to make regulations for the Army, such as are best suited to its necessities, without being restricted by existing laws. Such regulations, so made, will effect the desired purpose, and modified as Congress may choose, and then enacted into law, would, I think, prove satisfactory to all concerned, and beneficial to the public interests.

Question. In case a reduction of the Army must be made, in what way will you carry it out?

Answer. I would not undertake to say in what department of the Army the reduction deemed necessary by Congress should be made. I prefer to state that, in my opinion, it ought not to be made in the rank and file of the regiments of the line, who are already taxed to the full extent that common humanity would justify.

WASHINGTON, D. C., *January 22, 1874.*

Examination of WILLIAM VANDEVER.

By the CHAIRMAN:

Question. State what official connection you have at present and have had with the Government in connection with Indian affairs within the last year.

Answer. Since the first of July last I have been United States Indian inspector.

Question. At what posts in the West have you inspected Indian affairs?

Answer. During the past summer and fall I visited all the Indian reservations and agencies in Arizona and New Mexico.

Question. State the condition of the Indians in Arizona as to their disposition of hostility or mischief toward the whites.

Answer. There is a very great difference between Indians in Arizona. The Apaches are the most prominent and important Indians in Arizona. They are the wildest Indians, and those who have occasioned the Government the most trouble.

Question. How has the present Indian management succeeded with them?

Answer. I had no knowledge of the condition of things prior to my visit to them, and I can only infer from what I observed in visiting those reservations. Those Indians on reservations were all quiet and peaceable when I passed through the country, though within a little more than a year past they had been committing depredations very constantly, especially on the Cochise or Chiracahui reservation, in the southeastern corner of Arizona.

Question. Do these Apaches live mainly or entirely in the United States?

Answer. These Chiracahui Indians live entirely in the United States.

Question. What are these Apaches doing now? Do they stay on reservations, or are they scattered around hunting and marauding?

Answer. I think the large majority of them remain quiet on reservations. There are some of them who are rather lawless, and range outside of the reservation. But the Apaches have not been committing many depredations recently on the American side. They have done so more over in Mexico. Since General Howard made his arrangements

with Cochise the summer before last, these Indians have kept peace along the principal line of travel from Colorado to the valley of the Rio Grande, and nobody has been molested.

Question. Where was the theater of hostilities in which General Crook operated ?

Answer. All along the southern line in Arizona.

Question. Did you meet these Apaches personally ?

Answer. Yes ; I was on the reservation and met Cochise himself, and had conferences with him.

Question. Are they armed ?

Answer. Yes.

Question. What sort of arms have they ?

Answer. They have got a good many United States guns among them.

Question. How are they supplied with ammunition ?

Answer. They are rather imperfectly supplied with ammunition.

Question. Are their arms of recent pattern ?

Answer. Some of them are of recent pattern.

Question. Did you make any inquiries as to how they got their arms ?

Answer. They probably have not acquired any arms within a year or so ; but prior to that time they used sometimes to capture United States soldiers, and they got arms in that way. The governor of Arizona told me that a great many of the arms that had been sent to the Territory for distribution and placed in the hands of citizens had fallen into the hands of the Indians. That was when hostilities were pretty active on their part.

Question. Do you know whether any Indian traders have been furnishing the Indians with arms or ammunition ?

Answer. I found no indication or evidence of that. There are certain points in Mexico to which these Indians go for the purpose of trade, and they can get the arms there.

Question. How many warriors are there among the Apaches ?

Answer. I do not think that there are over 300 warriors on the Cochise reservation.

Question. How many are there at the other posts ?

Answer. The other Apaches are considerably more peaceable.

Question. How many Indians are there in the White Mountain reservation ?

Answer. The Indian agent has been feeding 1,479 Indians there. There are probably as many as 2,000 Apaches who would be entitled to subsistence on that White Mountain reservation, but they do not all come in.

Question. How many are there on the Tulerosa reservation ?

Answer. About 600.

Question. Are they all fed ?

Answer. No. At the time I was there the agent was feeding only about 200 of them, though he had fed as high as 600 ; but at the time I was there many of them were off the reservation.

Question. How many are there at Camp Verdi ?

Answer. There are 2,000 Indians belonging to that reservation.

Question. Are they warlike ?

Answer. No, sir ; they are quiet and peaceable.

Question. Has the agent fed that number regularly ?

Answer. No ; I think the agent reported to me that he was not feeding over 1,000 when I was there.

Question. Have you stated how many were on the Chiracahui reservation ?

Answer. One thousand six hundred.

Question. Have that many been fed there ?

Answer. Yes ; the agent there has issued as high as 2,000 rations ?

Question. Can you state to the committee the cost of these rations ?

Answer. My estimate is that it costs some 25 cents a day for the rations of every Indian in Arizona, but all the Indians do not come regularly for rations. Even those who are peaceable do not come in so long as there is plenty of muscal and game to be had. Muscal is a vegetable which grows in the mountain regions of that country. The inner part of it is very solid, and the Indians are very fond of it. It is nutritious and sweet. It is a sort of semi-tropical production, something like a cabbage, but different in its flavor.

Question. Is there much game there ?

Answer. There is not a great deal of game. There is some deer. There are no streams in which the Indians can fish till they get to the Gila.

Question. Have you made an estimate as to the cost of maintaining those Indians in Arizona ?

Answer. I have not made any estimate of the aggregate cost. I have estimated in my own mind that the cost, *per capita*, of subsisting those Indians on the reservation is about 25 cents a day. On the White Mountain reservation it is probably not more than 20 cents a day. At some periods of the year the Indians come in pretty generally to receive rations. At other seasons only portions of them come. Some of them never have been in, but the number of Indians receiving rations is increasing from month to month.

Question. Then you have never made the calculation as to the annual cost of feeding these Indians ?

Answer. On the Chiracalinee reservation the 1,600 Indians may draw rations, which, at 25 cents per ration, would make \$400 a day, and multiplying that by 365 days would make \$146,000 a year. On the Tulerosa reservation they are feeding 600 Indians at 25 cents a day, which would be \$150 a day, or \$54,750 a year. On the White Mountain reservation they are feeding 1,500 Indians, but the rations there do not cost probably over 20 cents a day, which would be probably \$300 a day, or \$109,500 a year. Camp Verde is one of the expensive reservations, as they have to bring in their supplies from the Colorado River, and I calculate the rations there at 25 cents a day. There are 1,000 Indians being fed there, which would make the cost \$250 a day, or \$91,250 a year.

Question. Does the Government furnish these Indians with any other supplies except food ?

Answer. Occasionally blankets are issued to them. I think that several hundred pairs of blankets have been ordered to be distributed at Verde reservation. That country is at an altitude of 5,000 feet, and the frost sets in early. I was there in October, and they were having cold, frosty nights, and needed clothing. The Chiracahui reservation is in a warm, genial climate, and there they do not require so much clothing.

Question. State whether or not these Indians are satisfied with their treatment, and whether or not, in your judgment, that mode of dealing with them will pacify them and keep them in a state of peace.

Answer. The reservation system has only been recently applied to these Apache Indians, and the result of it seems to be beneficial so far as it has gone. The Indians are gradually coming in on the reserva-

tions and settling down, abandoning their depredations on the surrounding country, and becoming dependent on the Government for their rations, and are content to live quietly.

Question. Had you any opportunity of conversing with any of the leading men among the Apaches?

Answer. Yes, sir. In every place I visited I saw the leading men of the different reservations.

Question. So far as you know, have they changed their dispositions toward the whites, in consideration of the treatment which they are now receiving?

Answer. Yes, sir; they have materially changed; and that change is particularly observable on the White Mountain reservation, which includes the San Carlos, so much so that the Indians at the White Mountain reservation and at San Carlos are manifesting a disposition to work, which they never did before. Over at Verde I found the Indians employed by the agent at cutting hay and doing farm-work, which they never had done before.

Question. What have you to say as to the condition of the Indians in New Mexico?

Answer. There are two reservations of Apaches in New Mexico. The same observations that I made in reference to the Apaches in Arizona will apply to those in New Mexico. It costs about 20 cents per ration to feed them on these two reservations at Tulerosa and Fort Stanton.

Question. Are the Indians in New Mexico as hostile and mischievous as ever?

Answer. At Tulerosa and Fort Stanton they are far from being as hostile as formerly.

Question. Have you visited any other Indians in New Mexico?

Answer. Yes. I visited the Navajoes. They are partly in Arizona and partly in New Mexico. They number 8,000 or 9,000, and their reservations contain from 1,000,000 to 1,500,000 acres.

Question. Is there any danger from them?

Answer. I think not.

Question. Have you seen any Indians north of Santa Fé?

Answer. There are two small agencies north of Santa Fé, composed partly of Utes and partly of Apaches. There are 500 or 600 Indians subsisted at each place.

Question. Is there any danger from the Pueblo Indians?

Answer. No; they are peaceable and self-sustaining. They are not fed by the Government; they receive a small amount of annuity goods. They live in houses and cultivate the fields.

Question. Would you say that there is sufficient military force in Arizona and New Mexico to take care of the Indians?

Answer. I think so.

Question. Do you think that any of this military force can be safely withdrawn?

Answer. I do not know that I am qualified to express an opinion on that point. There is no military post within fifty miles of the Navajoes. Fort Wingate is the nearest military post to them. They are a working set of Indians, though they receive rations from the Government. They are entirely peaceable, and will work wherever they get an opportunity. The quartermaster at Wingate, when I was there, had some fifty or sixty of them employed as laborers, making adobes and putting up buildings for the garrison. The Navajoes own large flocks of sheep and a good many horses. They raise wool and manufacture blankets. There is not a great deal of tillable land on their reservation. A good

deal of it is mountainous and barren. The general impression which I got from my observation with the Apaches was that there was a decided improvement in their condition, and that the effect of feeding them on reservations was inclining them to peace and friendliness toward the Government. They appeared to be going on smoothly. Of course, if any depredations were committed on them, or if any particular cause for offense should occur, through the indiscretion of some settlers, it might produce trouble; but I did not see any disposition on their part to engage in general hostilities again; certainly not so long as they receive rations.

WASHINGTON, D. C., *January 23, 1874.*

Examination of J. D. BEVIER, United States Indian Inspector.

By the CHAIRMAN:

Question. State what Indian tribes you inspected in your official capacity during the last year, and state their condition.

Answer. I first visited the Utes in Colorado. They are friendly, and I think always have been; they have a treaty with the Government and a large reservation. But little progress has been made as yet in civilizing them. There are between 3,000 and 4,000 on the reservation, and there are some floating bands which are not on the reservation yet.

Question. Are they armed?

Answer. Yes, sir; somewhat. They are armed with rifles, a good quality of arms. I do not think they are all armed. Some have arms for hunting purposes. There are some Utes about Denver who have never been on the reservation, and there are some in New Mexico. Travel is considered safe everywhere near the great Ute reservation in Colorado. You may meet teamsters and pleasure-parties camping by the roadside, hunting and fishing for weeks, with Indians about, and no apprehension is entertained by anybody.

Question. Are there any soldiers about there?

Answer. No, sir.

Question. What other tribes in Colorado did you visit?

Answer. None other in Colorado; there are none other.

Question. State whether you visited any tribes in Wyoming.

Answer. I visited the Shoshones in Wyoming.

Question. State the condition of the Shoshones, physically and morally.

Answer. They are making some progress in civilization. They are learning to plant and reap. They have a good school, and are gradually working into agriculture. There are about 1,500 of them. They are on a reservation. They are armed partially with rifles. I think a very considerable proportion of them are armed.

Question. Do you know anything about their supply of ammunition?

Answer. They obtain their ammunition from the traders.

Question. Are they armed with breech-loading guns?

Answer. Some of them.

Question. Is there any apprehension of these Indians on the part of settlers?

Answer. None at all. Their friendship is reliable and the people have the utmost confidence in them.

Question. Are those the only Indians you visited in Wyoming?

Answer. Yes, sir.

Question. Did you visit any in Idaho?

Answer. Yes; I visited the Shoshones and Bannocks, at Fort Hall. They are friendly. There are 1,500 of them.

Question. Had you a good opportunity to find out the number of them?

Answer. Yes, sir.

Question. Are they becoming civilized?

Answer. Somewhat. The Shoshones are inclined to work pretty well; the Bannocks less so.

Question. Are they armed?

Answer. Partially.

Question. What are the feelings of the whites toward them; is there any apprehension of danger from either side?

Answer. No, sir.

Question. Did any of the Indians that you inspected complain of the inroads or intrusions upon them?

Answer. No, sir; white men do not intrude on their reservation, and they do not apprehend any except in a few instances where mines have been discovered.

Question. Did you visit any Indians in Utah?

Answer. Yes; the Uintah Utes. They are in the northeastern part of Utah, 200 miles from Salt Lake City. There are about 500 of them on the reservation. They are more inclined to work than the Utes in Colorado. They belong to the same family, speak the same language, and visit each other. They are armed imperfectly. There is no apprehension of danger from them. In Nevada I visited the Pah-Utes, in the western part of the State. They are on two reservations—Pyramide Lake and Walker River. There are 700 of them on the reservations and many outside. They are scarcely armed at all. These Pah-Utes of Nevada are well advanced in civilization—present the appearance of a respectable and orderly community. They are dressed like other men. They go about their work regularly, and work daily. They are engaged in agricultural pursuits and will soon be self-sustaining. They have dug many miles of ditches and put up many miles of fences. The agent issues no rations or clothing to any except the men who work; no idle Indian gets anything. The sick and infirm and aged are cared for.

Question. So far as you can judge from your own stand-point, as a civilian and inspector, can you express any opinion as to the necessity for a military force near these tribes?

Answer. There is no use for any military near them, and the presence of military will do harm. The Indians feel restless, uneasy, and disturbed by the presence of soldiers. They have a dread of them. They have confidence in their agents and look to them for advice and direction. They feel secure and comfortable and satisfied in the absence of military.

Question. Did you visit any of the military posts in that region?

Answer. I visited Camp Stambaugh, Fort Russell, and Camp Brown, in Wyoming, and Camp Douglas, in Utah.

By Mr. MACDOUGALL:

Question. What was the object of your inspection?

Answer. As defined by the law, we were to visit all the agencies twice a year, examine into their accounts and financial transactions, judge of the agent's fitness for the place, his efficiency or inefficiency,

as well as his employés; examine the reservations, its soil, climate, products, the progress made in civilizing Indians, the schools, &c., and make such suggestions to the agents and the Department as we could to promote the good of all.

By Mr. HUNTON:

Question. What is the moral effect upon the Indians of contact with the soldiers?

Answer. I think it is unfavorable.

By Mr. NESMITH:

Question. Did you have intercourse with the chiefs and principal men of the tribes?

Answer. Yes; they generally assembled wherever I made a visit.

Question. How did you hold intercourse with them? Was it with an interpreter of your own, or an interpreter at the agency?

Answer. Through the interpreter that I found at the agency.

By Mr. MACDOUGALL:

Question. In what condition did you find the accounts of the agents?

Answer. We had heard a good deal said about the dishonesty of the men connected with the Indian Bureau, but I could not find anything wrong. I think that some of the agents might be more efficient; generally they are good, efficient men.

Question. Did you find the Indians, as a general thing, satisfied with the treatment by the agents?

Answer. Yes.

Question. What time did you make this inspection?

Answer. I commenced in July and finished the last of November.

Question. Did you hear of any trouble in Wyoming from the Indians last fall?

Answer. Yes; I had learned through the papers that there had been a raid in the Wind River reservation, in Wyoming, by hostile Arapahoes, in July, and that two women had been killed. I went there in August, and then there was another raid by these same hostile Indians, and the cavalry was in pursuit of them. There was a good deal of excitement at Wind River, but we felt secure so long as we had the Indians there who belonged to the reservation. It was the hostile Indians from abroad that we were afraid of.

Question. Do you pretend to say that it is entirely unnecessary to have a military force in Wyoming?

Answer. At that point it is necessary; not on account of the Indians that belong there, but on account of Indian intruders that come there. The military is necessary to prevent hostile Sioux and Arapahoes from coming in on plundering expeditions.

Question. Where did these hostile Indians come from?

Answer. From the north; from the Powder River country, as I understood.

Question. In your judgment, is it not necessary to keep military all along that western frontier for just that same reason—to prevent raids?

Answer. Not ordinarily. Other parts of the country are not subject to such raids. Incursions have been frequently made into these parts by these same Indians. They are old, hereditary enemies; they come in occasionally, steal horses, and shoot at people.

Question. Little trifling matters of that kind?

Answer. Yes.

By the CHAIRMAN :

Question. Something was said by a former witness about the Mormon bishops having charge of the supplies furnished by the United States for Indians in Utah ; does that practice prevail now ?

Answer. No, sir. The Mormon bishops now have nothing to do with Indian affairs. Brigham Young was formerly superintendent of Indian affairs in Utah.

By Mr. NESMITH :

Question. How many Indian inspectors are there ?

Answer. Five.

Question. What is their compensation ?

Answer. Three thousand dollars a year.

Question. And traveling expenses ?

Answer. Not to exceed 10 cents a mile. I commenced about the middle of July, and continued until the 29th of November.

Question. Are you still in office ?

Answer. Yes, sir.

Question. You spoke about obtaining information about the Indians. Are you conversant enough with the Indians and their language to be able to obtain any sort of information, except what the agents and their interpreters choose to communicate ? Had you any other means ?

Answer. No ; except by talking with people that lived in their vicinity, and several military men.

Question. Did you make any count of the Indians that you inspected ?

Answer. No, sir ; I could not count them, but I would talk with the chiefs of each separate band, and would learn the number of the band, and by grouping all together I could approximate to the true number.

Question. Had you any familiarity with Indian affairs before you made this tour of inspection ?

Answer. No, sir.

Question. You never had been employed among the Indians before ?

Answer. No, sir.

By Mr. GUNCKEL :

Question. You communicated with the whites and with the Indians also ?

Answer. Yes ; I found white people everywhere, and through the white people and the Indians, and the agent, and all that I came in contact with, I would learn about the true state of affairs.

Question. And you made up your opinion from what you heard from the agents, whites, and Indians ?

Answer. Yes ; and from my own observations.

By Mr. MACDOUGALL :

Question. What was your former business ?

Answer. I formerly practiced medicine.

Question. What did you find the character of the white people to be in the regions where you went ?

Answer. I was pleased with the white people ; they were generally intelligent, and I thought pretty honorable men. There are many that are said to be free from restraint, and rough. I did not come in contact with many of such. I was favorably impressed with the white people.

By Mr. ALBRIGHT :

Question. Did you hear that the agents gave supplies to be distributed to the Indians through the Mormon bishops ?



Answer. No, sir; that is not practiced now.

Question. Is it your opinion that the military subserves two purposes—to protect the whites against the Indians and the Indians against the whites?

Answer. Yes; it is proper that there should be some military in the country. The Indians I visited were friendly, and everybody felt perfectly safe. But difficulties may arise, when there should be some military within reasonable distance.

Question. How near do you call reasonable distance?

Answer. Not so near as to disturb the Indians, and yet near enough to be called on when needed.

By Mr. DONNAN:

Question. In the section of country that you inspected do you think that any military post can be abolished with safety and prudence?

Answer. My attention was not directed to that matter. I am not sufficiently acquainted with military matters to venture an answer.

Question. In other words, do you think there is more military there than there ought to be?

Answer. I do not know that there is. Some places might be abandoned, for instance Fort Bridger.

By Mr. MACDOUGALL:

Question. You came in contact, I suppose, more or less with soldiers and officers?

Answer. Yes.

Question. What appeared to be their character for respectability and sobriety?

Answer. I regarded them as good officers and good soldiers.

Question. Did you see anything like drunkenness among them?

Answer. I saw a little of it.

Question. How would the officers of the Army and the Indian agents compare as regards respectability?

Answer. The Indian agents that I met were in every instance honorable, respectable, intelligent men, and I think that the remark would apply to the officers of the Army.

Question. How would the private soldiers compare with the employés and attaches of the Indian Bureau out there?

Answer. The employés of the Indian agencies where I have been are, as a general rule, very good men—moral, temperate, and capable.

Mr. GUNCKEL. Would you say the same of the privates of the Army?

Answer. No, sir. An Indian agent has but few employés, and he selects them with care.

By Mr. NESMITH:

Question. How do the frontier people whom you met compare in point of respectability, morality, and conduct with the people of the more civilized portions of the country that you are acquainted with?

Answer. I was surprised to find living away off through the Rocky Mountains, remote from any neighbors or any place, sometimes a hundred miles from any settlements, intelligent men and families, taking newspapers—Harper's Weekly, and even the Bazar—and I wondered how men of intelligence, and sometimes of refinement, came to live in such remote places.

Question. You did not find all the frontier-men cut-throats and thieves?

Answer. O, no, sir. There are desperadoes, I am told, who shoot at one another and lead a rough life. I was told that there is a pretty hard kind of people at the mining-camps. I never was at a mining-camp; I never met with these people.

Question. You had no apprehension of your safety when traveling?

Answer. Not at all. We hear of stage-coach robberies and the like out there. I had no experience of that kind.

WASHINGTON, D. C., *January 12, 1874.*

Hon. JOHN P. C. SHANKS, member of the House from the State of Indiana, appeared before the committee in response to its invitation.

The CHAIRMAN. Please to state at what times and to what tribes of Indians you, as a commissioner of the Government, made a visit within the last twelve months.

Mr. SHANKS. I was in California in the month of June—part of July; and the remainder of the season I spent in Idaho and Washington Territories, and at Salt Lake City, passing through a part of Oregon.

The CHAIRMAN. What tribes of Indians did you visit?

Mr. SHANKS. In California, I was on the Round Valley reservation. There were parts of four tribes there; the Pitt River, the Ukies, and one or two others.

The CHAIRMAN. What tribes did you see in Oregon?

Mr. SHANKS. I saw Umatillas and what is known as the Joseph tribe of the Nez Percés.

The CHAIRMAN. What tribes did you see in Washington Territory?

Mr. SHANKS. The Lakes, the Colvilles, the Lower Spokanes, and San Pails, Calespels, Okinakones.

The CHAIRMAN. What tribes did you see in Idaho?

Mr. SHANKS. The Nez Percés, the Shoshones, the Bannocks, mixed Shoshone Bannocks and Sheep-Eaters, Cœur d'Alènes, Upper Spokanes.

The CHAIRMAN. What Indians did you see in Utah?

Mr. SHANKS. Some leading men of the Utes and Pah-Utes, and a number of others. I saw them in Salt Lake City, in company with Major Powell and Mr. Ingalls.

The CHAIRMAN. Were you brought into personal relations and acquaintance with the chiefs and head-men of those tribes?

Mr. SHANKS. I was; with a good many of them.

The CHAIRMAN. You went for that purpose and to treat with them?

Mr. SHANKS. I did. To contract with Fort Hall Indians; to determine boundaries at Round Valley, and to see others generally.

The CHAIRMAN. State their disposition, whether of hostility or mischief to the United States and to the white people.

Mr. SHANKS. Commencing with those at Round Valley, in California, they are as peaceable as people can be. I was so informed by the agents, by the neighbors, and by the military at the post there, which is called Fort Wright, I believe. You asked a question of the Commissioner of Indian Affairs as to the feeling of military officers toward Indian agents. I found them all good, except at a place called Colville, Wash. There I found that the feeling was not good. It was very good at the Nez Percés reservation, although there was some difficulty as to some white men on the reservation. The white men had been ordered off by the agent, and as they refused to go they created a good deal of feeling. In fact, the Nez Percés have never been on any but peaceable terms

with the United States. The Indians on the Fort Hall reservation, the Shoshones and Bannocks, are on very pleasant terms now. Some year or two ago there was some trouble, in which a white man, a drover, was murdered. The Indians themselves reported the case, and had the murderers arrested, and they were shot at Fort Hall, some time ago, in an attempt to escape; six of them. There is no other bad feeling there at all. I saw the chiefs and a number of men from the Salmon River agency, the mixed Shoshones and Bannocks, and they are on such good terms with the whites that the whites are urging that they remain there, and be not put on a reservation. Among the Cœur d'Alènes there is no complaint whatever. There is no complaint anywhere in the east end of Washington Territory, and the north end of Idaho, except that the whites want the Government to let them have the lands. There is no difficulty between the Indians and the whites at all. I spent some days up there in Utah; there is no difficulty there at all. I was not over among the Sioux, and so I cannot speak of them; but, in all the country that I was in, there is no place where there was a particle of difficulty between whites and Indians. There was a difficulty growing out of the fact that the white people in some places want the land, and want to have the Indians removed, but it was not a quarrel with the Indians. That feeling existed in one part of Idaho, and it was part of our mission there to make an arrangement with the Shoshones and Bannocks to abandon their roaming and go to work. I visited Fort Wright, at Round Valley. I was not at the post at Fort Hall, but the officers from that post were up at the station with me. I was at Colville, which is a military post, and at Nez Percé's military post, on the Clear Water; and I was also at the post at Salt Lake City, and at Walla-Walla and some other places.

The CHAIRMAN. As far as you can judge, what is the necessity of having military posts among these tribes which you visited?

Mr. SHANKS. There was no apparent necessity at all. Whether there would be if the military were not there, I cannot say. There is as much necessity to keep white men from encroaching on the Indians as there is to keep Indians from encroaching on the whites.

The CHAIRMAN. How do the Indians speak of, and, so far as you have had any expression, think of the soldiers and officers?

Mr. SHANKS. There was but in one place where I was that there was any complaint of the soldiers, and that was at Colville; and it is but proper that I should say what it was. Their officer, Captain Myers, was a drinking man, and their surgeon, Dr. Higgins, was a drunkard, and they had some bad associations with white men who were living with squaws; and some of the soldiers were charged with drinking and giving whisky to the Indians and were deserting. That is the only place where I learned of any trouble of that kind. The better white citizens complained as much as the Indians of these facts. There is a feeling among the Indians, which I think grows out of threats by persons who want to encroach upon them. The Indians complain that the Government does not understand them; that, when they think the Government is going to be kind to them, military are sent out to them. They believe this is induced by bad men. There is no complaint against the military themselves other than as stated, but the Indians complain of the fact that the military are thrown among them when they think there is peace; and some of the chiefs have said to me that after they had talks with the white men and thought that all was right, then soldiers were sent out and disturbances created by these bad men. There is a great desire among many of the frontier-men to have soldiers

sent because the soldiers furnish them with a source of revenue. There are beef contracts and hay and wood contracts, and that sort of thing, which furnishes market for their supplies. There is therefore a great anxiety on the part of many of the white population to get soldiers among them; and sometimes they do not stop at making strong representations in order to get them among them. The Indians charge that these bad men create the difficulties which demand soldiers.

The CHAIRMAN. Do the Indians regard the soldiers with apprehension or fear?

Mr. SHANKS. They do not seem to. There seems to be, on their part, a want of confidence, and they think that the Government does not understand them. The soldiers are a standing threat to them.

The CHAIRMAN. Do you think that military power is necessary to keep order and to prevent mischief among the tribes where you have been this summer?

Mr. SHANKS. I do not.

The CHAIRMAN. Do you think that the civil power of the Government is sufficient to prevent the whites from interfering with the Indians you visited?

Mr. SHANKS. Yes; but I must say, in this connection, that the civil power is not very well enforced sometimes. There is a disposition to favor these encroachments on the Indians, and there is more necessity of the military to keep order on this account than on any other. The Indians have no votes and no political protection from that source.

Mr. GUNCKEL. Is there much necessity to protect whites from the Indians?

Mr. SHANKS. I do not think there is any where I have traveled.

Mr. GUNCKEL. You think that the necessity is to protect the Indians from the whites?

Mr. SHANKS. I think so; among those tribes.

The CHAIRMAN. I understand your statement to be that the aggressions in the tribes which you have visited, come from the whites rather than from the Indians.

Mr. SHANKS. Yes; and I want it to be understood that they come from a few whites. I am not speaking of the white people generally; on the contrary, the white people are competent in most of these localities to protect themselves against the Indians.

The CHAIRMAN. Are the Indians armed?

Mr. SHANKS. I saw some of them tolerably well armed, but the major part of them are armed with an inferior class of guns.

The CHAIRMAN. Are many of the tribes which you visited engaged in the pursuits of civilized life?

Mr. SHANKS. Yes, the Nez Percés are generally, and the Umatillas to some extent. They raise a good many horses and a good many cattle. The Shoshones and Bannocks are, some of them, at work on the reservation farms. They are not farming for themselves. I made a contract with them, however, in which thirty-nine of them signed their names to the paper as laborers, while some signed as chiefs and some as warriors; thirty-nine signed as laborers. They are employed by the agent to work by the month. This is most important, because these Shoshones and Bannocks never have worked before last year. These Indians who are up in the east of Washington Territory have made their own living in all time, I suppose. I do not know that there is any appropriation at all made directly on that reservation. These Indians in Utah are all laboring men. They all make their living by labor.

The CHAIRMAN. If the Indians named had arms put in their hands

by the Government with the understanding that they were to prevent the inroads of hostile Indians, and to take care of themselves, would you consider that a safe policy rather than to have soldiers there?

Mr. SHANKS. It might be safe, but it could not be operative. I do not think it would be safe to give them arms and let them start out to meet hostile Indians; and certainly hostile Indians would not come to the reservation to meet them. Therefore I think that the plan would be a nullity. I do not think it would be safe to put arms in the hands of white men even with a general license of that kind.

The CHAIRMAN. You would not arm settlers themselves?

Mr. SHANKS. I do not think it necessary, because every settler there is armed. In the section of country where I was, there has not been any war there since Colonel Wright defeated the Spokanes and Cœur d'Alenes, near Lotah, or Hangman's Creek, Washington Territory.

The CHAIRMAN. Do you think the presence of a military force in that region necessary?

Mr. SHANKS. I do not, as against the Indians, and it is not necessary as against those white men who encroach on the Indians, if the civil power is enforced. The law against liquor-selling is tolerably well enforced in Idaho, but nevertheless on the Indian lands is permitted generally.

Mr. HUNTON. Would the civil power be more surely enforced if the military power was withdrawn?

Mr. SHANKS. Perhaps it might be if the matter was dependent wholly on them; and that is the proper power to do it, I think. But it will have to be the civil power of the United States. The State or the territorial side of the court cannot control on the reservations; it would have to be the United States side of the court and enforced by the United States marshal.

Mr. NESMITH. Where did you see the Joseph tribe of the Nez Percés?

Mr. SHANKS. They came over to the Nez Percés at Lopway, but they did not hold a council with the Nez Percés there. They held a council the next day. Joseph's band is known as non-treaty Nez Percés.

Mr. NESMITH. How many are there in Joseph's band?

Mr. SHANKS. I asked him the question, and he put it at a little over 300. That is as nearly as I could get the information from him.

Mr. HUNTON. Do you consider the presence of the military among these peaceful Indians a source of irritation?

Mr. SHANKS. I cannot state it any differently than I did a little while ago. They look on it as if the Government had not confidence in them. As to the effect it might have outside of that idea I have no information from them; but my judgment is that it would have a bad influence on them. A camp is not a place to teach industry. There is no industry about a military camp, except in military routine.

Mr. ALBRIGHT. The military camps at which you were were quite small, I suppose?

Mr. SHANKS. Yes, sir.

Mr. ALBRIGHT. Take Camp Wright, if you please. I suppose you noticed that they had a small mill and were farming in that valley?

Mr. SHANKS. Yes; they were farming on the general farm, all in common. There is a mill up there.

Mr. ALBRIGHT. Suppose you were to withdraw these two companies which are at Camp Wright, do you not believe that that would subject these Indians to imposition and outrage on the part of the white men in that neighborhood?

Mr. SHANKS. Yes; in that particular neighborhood. I think they

would overrun the reservation in a short time, for they have already overrun two-thirds of it, and have gotten legislation for it.

Mr. ALBRIGHT. Take things as they are there, what do you believe would be the effect on those Indians if the troops were withdrawn?

Mr. SHANKS. The result to the Indians would be bad, because it would let these white men in on them. There are bad men there.

Mr. ALBRIGHT. The Indians would be ousted?

Mr. SHANKS. Yes. They have been already overrun by these men so far as to have the stock driven close to the agency. The stock cannot be pastured at any distance from the agency even on the public lands.

Mr. ALBRIGHT. Your idea is, then, that the military is necessary to protect the Indians from the depredations of the whites?

Mr. SHANKS. Yes; the most good that military power has done that I know of is to prevent encroachment on the reservations. The demand of the white persons is that the Indians should go on reservations, and then, when they are there, their demand is that the reservations may be given up and go to the white people. This is particularly applicable at Colville and Camp Wright and Lapway. At Colville the military force is not on the reservation now and the Indians are not on the reservation. The military itself is of no account there. It is demoralized. Except a young lieutenant named Hoag there is not a military officer there who should be on duty.

Mr. MACDOUGALL. Was a report of that state of things made to the Government?

Mr. SHANKS. There was an inspecting officer there a few days before I was, and I have learned since that Dr. Higgins has been removed. I suppose that was for the benefit of the service there.

Mr. GUNCKEL. What are your views as to the expediency of transferring the Indian Bureau from the Interior Department to the War Department?

Mr. SHANKS. I think it would be bad.

Mr. GUNCKEL. Will you give your reasons?

Mr. SHANKS. I intimated my reasons a little while ago. The time is past when Indians in this country can make their living by hunting. There is but one other way for them to make it, and that is by labor. The military authorities will never teach them to labor in any systematic mode of farming, or to economize their time and their means. If we hope at any time to train these people to make their own living, we will have to do it in one or two ways, either by raising stock, or else by farming, or by both, which would be so much the better. There are none of these employments which the military can teach them. The military organization is not in that way, not for that purpose. Then, again, young men are sent out to these posts. It seems to be necessary that they should be, and that older and more experienced men should not be placed at these distant posts. The posts are put in the hands of young men, who are inexperienced, not in their own affairs, but at least inexperienced in all that goes to make up the welfare of a people just coming out of the savage state. It is not part of their training, and while they are clever gentlemen in their own places, yet they are not the persons to take care of these Indians and to teach them to make their living by labor. If the Indians are left in the hands of the military they will be paupers as long as time. That is what I think about it. It is not because of the fault of the military, but because of the fault of the system—the incompatibility of the two businesses. As to the saving to the Government by the transfer, I do not think there will be anything saved by it. I think that the expense of the Indians, when the military had charge of them,

was quite as heavy and the results quite as bad as when they are under the Indian Bureau.

The CHAIRMAN. State whether or not it is your opinion that hostilities would be less likely to break out if the military power was present among the Indians, or whether the fact that it was there would give opportunities for violent men to bring about hostilities.

Mr. SHANKS. With some military men it would; that that would be true of the majority of them I do not know; I would not like to say that. But the fact that the Indians would be directed by the soldiers, and the soldiers continually associated with the Indians, would work badly. It would continue that aimless life that now so much injures their progress. It would be especially bad among their women. Some of the strongest appeals I ever heard I heard from these Indians, in regard to the way in which white men treated their women. I never heard more urgent appeals in my life—appeals like those that come from children. I think that this matter, in a brief time, will assume a different shape. I believe that the Indian policy, in a few years, will be self-sustaining. I know that if it can be managed as an individual manages his own business, it can be made self-sustaining in less than three years. But it is utterly impossible to do that when you have to employ men at such a distance from the employer and when the employer's eye cannot watch over them.

The CHAIRMAN. How can it be done?

Mr. SHANKS. These Indians will work on reservations if they are employed and paid. At the reservation at Round Valley the work is done by Indians, with the single exceptions of the gardener and the farmer. Outside of these the Indians were doing the work. I saw as many as twenty or thirty in the fields plowing corn, hauling in hay, gathering up cattle in the morning, yoking them up, and working just as white men. But that the Indian Department, or any other Department, can manage that thing in a brief time is utterly impossible, because it cannot keep its eyes upon its employés. The Indians complain very much, in every place I went, that they were not taught. My understanding had been before that the Indians were not willing to learn; but that is not what they say. They say they want to learn. At Nez Percés and some other places the Indians claimed that the employés of the Indian Department did not want to teach them, because if they did the employés would have nothing to do themselves. The agents at some agencies informed me that there was an indisposition on the part of some of the employés to work at any other employment than that particular one for which they were especially hired by the terms of the contract; and the agents all agree that they have trouble in getting white men on reservations such as they want, because a white man can do better in business in the country than he can at the wages which the Government pays. Consequently the agents have to take an inferior set of hands. But that by putting Indians on reservations, they can be made self-sustaining is reasonable, I am perfectly satisfied. The Indians are growing better every day, because the game is growing scarcer every day and necessity is pressing them, and, as Mr. Smith has said truthfully, so long as the Government feeds them without regard to anything else, they will continue to be paupers.

Mr. NESMITH. What is the condition of these agricultural reservations?

Mr. SHANKS. At Colville they are raising some very fine wheat. I should think the Nez Percés are raising enough for their own subsistence, and others are joining in the production of grain very well.

Mr. MACDOUGALL. You spoke of the complaints of the Indians about their women; is that in relation to soldiers and officers?

Mr. SHANKS. No; I would not want to say that. It is a class of bad white men, nearly always drinking men—worthless to society.

Mr. MACDOUGALL. You heard no complaints as to soldiers and officers?

Mr. SHANKS. I heard some as to officers and soldiers; and at Colville there were complaints by white citizens condemning the associations of Captain Myers; that he kept near him a man named Sherwood, who lived with a squaw, and others whom the Indians condemned, and sentries were placed before his house as if to prevent people noticing what was taking place. The Indian mode of marriage is just an association, a voluntary cohabitation. They do not have the idea of matrimony and its results as we have. So, when a white man proposes to live with an Indian woman, she understands that she is married, but he does not understand that he is married at all, and consequently he leaves her at his pleasure, and it is this thing which the Indians complain of.

Mr. YOUNG. The Army is not to blame for that.

Mr. SHANKS. Not at all. But I say that to throw the soldiers among them, and to leave them the direction of the Indians, would produce that result, and then they would be more so than now.

Mr. YOUNG. Did you ever hear of the Indians being swindled in their trade by the agents?

Mr. SHANKS. I did not at the places where I was last summer. The agents whom I saw were Mr. Burchard in California, Mr. Monteith at Nez Percés, Mr. Mills at Colville, and Mr. Reed at Fort Hall, and some others. The Indians express their increased confidence in the new policy.

Mr. YOUNG. How do you explain the fact of all these Indians getting armed with the best arms?

Mr. SHANKS. I cannot answer that question. I was not among the hostile Indians. The Indians with whom I was had small arms, which they used in hunting, but they are an inferior set of arms. I saw a great many of those Hudson Bay muskets there. Except among the Sioux, I do not know any place where the Indians can make anything by hunting. Between the time that they cease to make a living by hunting and the time that they begin to make a living by labor is a very serious time with them and a very expensive time for us.

The CHAIRMAN. Did you make arrangements with them as to their going to work?

Mr. SHANKS. I did with the Shoshones and Bannacks. They agreed not to roam at all, but to go to work; and I agreed that, when they do commence farming, they shall have a small house built and a cow furnished for every head of a family. There was a good deal of talk at the Nez Percés reservation about some fraudulent transaction by which money was taken from them some years ago; and so it was with other Indians whom I was among the summer before last. But these things are getting in better shape now. There is a proposition to collect the Indians from about 434,000 square miles of territory that now furnishes nine agencies. They can be reduced to four. It will take a little means to take care of them after getting them together. It will not take much to get them together. One of these agencies is at Fort Hall, one at Uinta, one in Southeastern Nevada, and one other in the Northwest.

The CHAIRMAN. State what facts you know or have heard in regard

to the number of those Indians who are furnished with food, &c., by the Government.

Mr. SHANKS. I do not think that the number of Indians in the country which I was in comes within one-third of what they are estimated at. Major Powell has made a very careful investigation of this matter by going personally among the Indians, and he reduces a fraction over 28,000 to a fraction over 10,000. He was in the country I have been talking about, Utah, Nevada, part of Colorado, and all the way to New Mexico.

The CHAIRMAN. What is your judgment as to the number?

Mr. SHANKS. It is impossible for me to say, only as I passed around and learned from observation and inquiry. I would be told that there would be so many Indians in a place, but on further inquiry I did not think there were near so many as public rumor had proclaimed it. I think there should be a perfect census of the tribes.

Washington, D. C., January 22, 1874.

Examination of Mr. J. W. DANIELS.

By the CHAIRMAN :

Question. Are you officially connected with the Government in the management of Indian affairs?

Answer. Yes; I am one of the Indian inspectors, and have been since July last.

Question. What is the extent of your acquaintance with Indian tribes?

Answer. I have been acquainted with the Sioux ever since 1855. I was a physician among them in the employment of the Government for seven or eight years.

Question. What part of the Territories have you inspected?

Answer. I went to Bismark, and from there up the river through Montana.

Question. What tribes did you visit?

Answer. The Téton Sioux, the Santees, the Yanctonais, and the Assinaboines. I counted the lodges. At the time I was there there were 989 lodges, and on my way from there I met 103 lodges going in for their clothing.

Question. What post did they belong to?

Answer. A trading-post called Fort Peck. From there I went to Belknap, near the British Possessions. The Indians there are the Gros Ventres and the Assinaboines, and farther on the Blackfeet and Piegaus. The Piegaus are the only parties along there who were in. They number 1,100. I counted them personally.

Question. State the condition of all these Indians as to hostilities.

Answer. These Indians are well disposed. A portion of the Tétons have come into the agency within the last year, who were in hostilities a year ago with the expedition that went down the Yellowstone. They express themselves now friendly and well disposed. At the present time it is perfectly safe for a man to travel from Fort Peck to Fort Benton—a distance of two hundred and eighty miles—which was almost impossible a year ago. Fort Peck is near the mouth of the Milk River.

Question. State what opportunity you had of conversing with their leading men.

Answer. I had opportunity of conversing with them through the interpreters, and speaking to them myself, and hearing conversations; and I have been led to believe that the disposition of the Sioux, especially those that were hostile last year, has entirely changed, so that they have become peaceable and well-disposed.

Question. Can you converse in their language?

Answer. To a certain extent, but not so well as through interpreters.

Question. Is it your opinion that the present policy is advantageous to the Indians, and likely to secure peace?

Answer. In my experience the present policy is the only policy to secure the peace of the Sioux Nation.

Question. How many warriors do you suppose the Sioux tribe can furnish?

Answer. The number is variously estimated. It has been stated by a commanding officer at Fort Buford that Sitting Bull could command a thousand warriors at any time, and that he had about five hundred lodges. The average is two warriors to each lodge.

Question. Do you think that these Indians will soon be gathered on their allotted reservations?

Answer. I think that to-day there are not over fifty lodges of Sioux that are not drawing rations at their agencies.

Question. Have you any apprehension of serious difficulties in the future?

Answer. Not at all, unless some great change takes place.

Question. Do you think that the military force in that neighborhood is sufficient to prevent Indian hostilities?

Answer. Yes; ample.

Question. Do the people there want any more military force?

Answer. I did not hear any such request.

Question. Do the Indian agents there require any more force, so far as you know?

Answer. I have heard that they wanted some on the Platte. I suppose the troops are wanted there to protect that frontier. The Red Cloud Sioux and the Ogalalla Sioux are there, and they are the least disposed to comply with the requirements of the agents.

WASHINGTON, D. C., *January 22, 1874.*

Examination of J. C. O'CONNOR.

By the CHAIRMAN:

Question. State what official connection you have had with the management of Indians?

Answer. I was appointed last June as United States Indian inspector.

Question. Where were you on duty last year?

Answer. On what is termed the eastern district, including New York, Michigan, Wisconsin, Minnesota, the interior of Dakota, Nebraska, and Kansas.

Question. What tribes did you visit in Minnesota and Dakota?

Answer. The Chippewas in Minnesota and the Sioux in Dakota. I was at six agencies in Nebraska—the Santee Sioux, the Winnebagoes, the Omahas, the Otoes, and the great Nemaha agency.

Question. Did you converse with the principal men of those tribes?

Answer. Yes, sir.

Question. Did you visit the tribes, go through them, and enumerate them?

Answer. Yes, sir.

Question. How did you find their numbers to compare with the number of Indians that had been fed and supplied by the Government?

Answer. They were generally very accurate. Those tribes that I visited were not fed like the great body of the Sioux. It is the great body of the Sioux that are on the river that are fed. The Sioux that I saw are in the interior of Dakota, east of the Missouri River.

Question. Are they hostile, dangerous, or mischievous?

Answer. Perfectly friendly.

Question. So far as you could see is there any necessity for a military force among them?

Answer. Fort Wadsworth and Fort Abercrombie are in the neighborhood of where I visited. I do not know that they are used now for suppressing any disturbances on the part of Indians.

Question. Do you know the number of Indians in that neighborhood?

Answer. Yes, sir; about one thousand.

Question. Are they well-disposed and peaceful?

Answer. They are well-disposed and peaceful. Many of them are cultivating the soil.

Question. What other Indians did you inspect besides those in Dakota?

Answer. No others but the Santee Sioux in Nebraska. They are peaceful and well-disposed. They are located near the Niobrara, close to the Missouri River. They are making considerable progress.

Question. In general what have you to say as to the advancement and progress of these Indian tribes under their present management?

Answer. I had been in the Indian country years back, and the improvement I saw last year among the Indians was something extraordinary. The Winnebagoes and the Santees are working like white men and are dressed like white men.

Question. How many of the Chippewas are there in Northern Minnesota?

Answer. I have not got the exact number here. I have made reports in regard to all these agencies. The Chippewas have got a splendid reservation and are very well disposed and peaceful.

Question. Was the question raised either by whites or by Indians as to the importance of the presence of military force at any of those points that you visited?

Answer. Yes; the agent of one of the largest Sioux agencies on the river—Grand River agency—had moved his agency seventy miles up above, to Fort Rice, and he left the troops below, and said he was glad they remained there.

Question. How many Indians were there in that agency?

Answer. Seven thousand—the Uncpapas, the Blackfeet, and the Lower and Upper Yanktonaise.

Question. How do they compare in disposition with the other Sioux tribes?

Answer. I think they are a fair sample. They have been considered as among the most hostile, but hostilities have been unknown among them the last year or two.

Question. How large a quantity of supplies did the agent take with him, unprotected by a military force?

Answer. All the supplies for twelve months for about 7,000 Indians.

Question. How many white men had he with him?

Answer. About twenty.

By Mr. ALBRIGHT :

Question. In the Territories and States where you inspected Indian agencies, is there any occasion for the use of troops to protect the Indians against outrages and depredations on the part of the whites ?

Answer. No, sir, I think not ; I may qualify that by saying that that has been the only use for troops where I have been, and troops are probably necessary for that purpose at posts which I did not visit.

Question. The presence of troops sometimes where they are not actually needed exercises a restraining influence on both Indians and whites ; is not that your experience ?

Answer. Yes, sir ; that has been my experience.

By Mr. NESMITH :

Question. Did you make an actual enumeration by count of the tribes that you visited ?

Answer. No, sir ; not by count, but by the best information I could get.

Question. You stated that you found the number as represented by the agents to be very correct ; how did you ascertain that fact ?

Answer. By inquiry among various parties, and by the facts that I could glean.

Question. Inquiries of the agents who made the report, or of Indians ?

Answer. Of the interpreters and Indians and other parties living there. None of the Indians that I visited were fed by the Government, except for the work they did. It is the great bulk of the Sioux and the Apaches that are fed by the Government without giving anything in return.

ENLISTED MEN OF THE BATTALION OF ENGINEERS.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., January 26, 1874.

SIR : In answer to your communication of this date, I have the honor to report that the number of enlisted men of the battalion of engineers on the last day of December, 1873, was 356, stationed as follows :

At the engineer depot of Willet's Point	254
At the Military Academy, West Point.....	75
At the headquarters Department of the Missouri.....	6
At the headquarters Department of Dakota.....	7
In New York City on recruiting service	5
Surrendered deserters in confinement at various points	9

Total..... 356

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General and Chief of Engineers.

Hon. JOHN COBURN,
*Chairman Committee on Military Affairs,
House of Representatives.*

DISTRIBUTION OF ENLISTED MEN OF THE ORDNANCE DEPARTMENT.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 26, 1874.

SIR: In compliance with your request of this date, I have the honor to report the following distribution of the enlisted men of the Ordnance Department, viz:

At Allegheny arsenal, Pennsylvania.....	29
At Augusta arsenal, Georgia.....	21
At Benicia arsenal, California.....	33
At Columbus arsenal, Ohio.....	12
At Detroit arsenal, Michigan.....	8
At Fortress Monroe arsenal, Virginia.....	10
At Fort Union arsenal, New Mexico.....	13
At Frankford arsenal, Pennsylvania.....	30
At Indianapolis arsenal, Indiana.....	15
At Kennebec arsenal, Maine.....	8
At Leavenworth arsenal, Kansas.....	15
At Pikesville arsenal, Maryland.....	3
At Rock Island arsenal, Illinois.....	65
At Saint Louis arsenal, Missouri.....	31
At Vancouver arsenal, Washington Territory.....	14
At Washington arsenal, District of Columbia.....	44
At Watervliet arsenal, New York.....	35
At Watertown arsenal, Massachusetts.....	31
At West Point Military Academy, New York.....	10
At Ordnance Office.....	12
Total.....	439

Very respectfully, your obedient servant,
By order of the Chief of Ordnance,

S. V. BENÉT,
Major of Ordnance.

HON. JOHN COBURN,
*Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.*

WASHINGTON, D. C., January 26, 1874.

Examination of Mr. SAMUEL N. ARNELL.

By the CHAIRMAN:

Question. State your residence.

Answer. Columbia, Tenn.

Question. How long were you a member of Congress?

Answer. I was a member of the Thirty-ninth, Fortieth, and Forty-first Congresses.

Question. State the condition of the central part of Tennessee at present, as to peace and order.

Answer. I think that throughout that entire portion of the State

there is perfect quiet and order. I know of nothing that requires any thing more than the civil authority to curb it.

Question. State whether the revenue laws can be executed in Central Tennessee without the aid of military authority?

Answer. I think so.

Question. State whether there is any danger, either from Ku-Klux organizations or other disturbing causes?

Answer. None whatever at present.

Question. How was it formerly in that part of Tennessee in which you reside, and in Northern Alabama?

Answer. I suppose there was no portion of Tennessee which was so much harassed by Ku-Klux as the middle portion, and at one time it was absolutely necessary to have all the force that Governor Brownlow could spare, aided by the small Federal force, to keep law and order there.

Question. How far do you live from Alabama?

Answer. I presume it is about fifty or sixty miles from my residence to the State line.

Question. Are you acquainted with the neighborhood of Huntsville, Alabama?

Answer. Not particularly; I know of it from general report.

Question. What is the report as to peace and order in that neighborhood?

Answer. It is perfectly quiet so far as I know. I have heard of no disturbances there.

Question. How far is Huntsville from your place by railroad?

Answer. The Nashville and Decatur Railroad passes by my town, and I think it is half a day's ride (six hours, probably) to Huntsville.

Question. If there were any disturbances there would you hear of them?

Answer. I think I should know of them.

Question. Do you think that the rights of citizens need protection, or that the revenue laws need help in their enforcement from the military authorities of the United States?

Answer. None whatever at present.

By Mr. ALBRIGHT:

Question. What troops are now in that portion of Tennessee?

Answer. I think there are some troops at Nashville; that is forty-six miles from my place. I do not know of any other troops in that neighborhood.

Question. Do you know anything about the condition of affairs in Southern Tennessee or Northern Georgia?

Answer. No, sir; only from the newspapers. I live in Central Tennessee, fifty or sixty miles from the State line.

Question. Are there many distilleries in your region of country?

Answer. Not a great many. I think, however, that at Clarksville, Tennessee, there are quite a number. Clarksville was formerly in my district.

WASHINGTON, D. C., *January 26, 1874.*

Lieut. Gen. PHILIP SHERIDAN appeared before the committee in response to its invitation.

The CHAIRMAN. Please state your command.

General SHERIDAN. I command the Military Division of the Missouri. I have been in command of that division since the early spring of 1869. I commanded the Department of the Missouri previously, from 1867 to 1869.

The CHAIRMAN. State the necessity and importance of maintaining the present number of troops in your military division.

General SHERIDAN. The command is composed of four departments, embracing an area of country which commences at British Columbia on the north and terminates on the Gulf of Mexico. The western boundary are the east lines of Arizona, California, and Idaho. The eastern boundary of the division is the line of the State of Illinois; north is British Columbia; south is the Gulf of Mexico. There are seventy-two permanent military posts in the division, separated from each other by long distances. The division embraces nearly all the actively hostile Indians we have in the country, and has within its limits perhaps three-fourths of all our Indians. I have under my command seventeen regiments of infantry and eight regiments of cavalry, numbering about 16,000 men.

The CHAIRMAN. Can you dispose of the troops that you have in your command and take care of the country from Indian inroads, and protect the Indians likewise, where they need protection, with a less force than you have, by any other disposition that might be made of posts and stations?

General SHERIDAN. No, sir; I think I cannot. I think I ought to have more troops than I have, in order to meet the demands that are made upon me constantly, and which I have to refuse; demands are made by governors of Territories and governors of States for further protection to settlers, and for lines of commercial travel. The governor of Texas, a short time ago, applied either for more troops or for authority to raise a regiment of mounted men in his State. The governor of Colorado has asked for additional troops, and I have told him I would try to let him have some, provided he could get Congress to appropriate enough money to build barracks and quarters for them, as I did not think that I could succeed in doing that myself. The Indians that were disturbing them in Colorado when this call came were the Cheyennes, who are located down about Camp Supply, in the Indian Territory, who sometimes make their appearance in Colorado, and, even without doing damage, frighten the people so much that they abandon their ranches and property. The settlers along the Niobrara River have been very much troubled by the Sioux during the last year. Their cattle are very often killed. I think that two or three of the people have been killed, but the Indians have generally depredated on their cattle. They come in and kill the cows without even using the meat, and they have kept that neighborhood in such a state of alarm that the people have asked for a post to be established, but I have been unable to comply with their request for want of means. The people along the Loup Fork have also been trying to get a post established. We send out a summer camp from Fort McPherson to give them protection. On the Republican River the settlers have advanced nearly two hundred and fifty miles within the last two years, and we have to protect them. They are demanding a post, which I am unable to give them. We keep, however, scouting parties up and down the Republican River constantly, going as far west as the line of Colorado. We have to keep the troops

moving even in the winter, in order to make the people feel safe. The Indians have been allowed to come down and hunt in that country, and there is constant danger of trouble between them and the settlers.

Mr. NESMITH. Has the Indian Bureau ever called on you for protection?

General SHERIDAN. Yes, it makes frequent demands. The last call they made upon me was on last Saturday.

The CHAIRMAN. There are quite a number of posts in the State of Kansas at a distance from the Indians. Here, for instance, is Fort Leavenworth, Fort Riley, Fort Harker, Fort Hays, Fort Larnier; can any of these posts be dispensed with?

General SHERIDAN. Yes, if we can get money to build other posts. But these posts are on the line of railroad, and the troops can be easily moved. We keep them at those forts because they have quarters for them there.

The CHAIRMAN. Can they be concentrated further out and larger posts established?

General SHERIDAN. The subject of the concentration of posts has been given a good deal of attention to. I have abandoned the whole idea. I don't believe that we can concentrate the posts. The demands of the settlers are such that they require the troops near where they are or they are not satisfied.

The CHAIRMAN. Are these posts in the rear needed?

General SHERIDAN. No, sir; I think that the post at Fort Riley has no particular military importance, but it is a post where there are fine quarters, and where troops can be cheaply subsisted. We only keep troops there in the winter time. In the summer time we keep them in camp on the plains.

The CHAIRMAN. Which would be the best policy for the Government—to make appropriations to establish a large new post, or to retain these old posts where they are?

General SHERIDAN. I do not know that you would benefit the country very much by establishing a new post, because now we send troops in the summer time to cover the country, and they return in the winter where they can be cheaply fed and well housed. I think we would be always glad to give up the old posts if we could only get new ones; but it is a question of simple economy, and my opinion is that you will not economize but expend more by establishing new forts.

The CHAIRMAN. There are a lot of posts in Minnesota and Eastern Dakota. Can they be dispensed with to advantage?

General SHERIDAN. There is no post that I have thought of heretofore which can be dispensed with in Minnesota except Fort Ripley. I tried on two or three occasions to abandon that post, but was prevented from doing so by the Indian Bureau. The Leech Lake Indians are in that section of country, and we have to keep a garrison at Fort Ripley in order to control them. We send out troops to Leech Lake during the summer season, and bring them back to winter them in Fort Riley.

The CHAIRMAN. What would you say as to Fort Snelling?

General SHERIDAN. That is simply a place to quarter troops. There are good buildings there.

The CHAIRMAN. What about Fort Abererombie?

General SHERIDAN. That is on the Red River of the North. It is only available as a depot.

The CHAIRMAN. What about Fort Pembina?

General SHERIDAN. Fort Pembina was established at the time of the Fenian raid on the Canadian frontier. And there has been a threaten-

ing of Indians from Manitoba. It is valuable now for the boundary survey, and it is also valuable as a military station against the Indians.

The CHAIRMAN. What about Fort Totten?

General SHERIDAN. Fort Totten was a post established to control the Sisseton Sioux. There is a large reservation of those Indians at Fort Totten.

The CHAIRMAN. What about Fort Seward?

General SHERIDAN. Fort Seward is on the James River. It was established by petition from the governor and people of Minnesota. There is a long line between the Red River of the North and the Missouri River, and this fort is half way. The railroad people and the citizens and the governor petitioned for the post. It is a one-company post.

The CHAIRMAN. What about Fort Wadsworth?

General SHERIDAN. Fort Wadsworth is for the government of Indians. There is a large Indian reservation there.

The CHAIRMAN. What about Fort Ridgley in Southern Minnesota?

General SHERIDAN. Fort Ridgley has been abandoned for some years.

The CHAIRMAN. Do you know anything about the posts in North-western Texas, Camp Stockton, Fort Davis, &c.?

General SHERIDAN. I have never been at those posts, but I have been near them, as far as the Devil's River, and I know all about that country. Fort Bliss is kept for revenue purposes, and so is Fort Quitman. We had to send troops to Fort Quitman a short time ago. There is no object in keeping it up except for the purpose of protecting the collection of internal revenue, and to enforce the neutrality laws. It is on the Rio Grande. We have a good deal of trouble there from smuggling, and the revenue officers cannot do anything without the presence of troops.

The CHAIRMAN. Is there much trade there?

General SHERIDAN. Yes; they trade from there up toward New Mexico. There is a heavy trade done through Camp Stockton and Fort Davis, down to San Antonio, the Chihuahua trade.

The CHAIRMAN. What about Fort Davis?

General SHERIDAN. Fort Davis is on a little stream called the Limpia. It was established to prevent our Indians from crossing the Rio Grande into Mexico, and to protect the mail route between New Mexico and San Antonio. It is the country of the Mescalero Apaches, very bad Indians. It was established originally to keep them in subjection, and we have been obliged to keep it up still. Camp Stockton is kept up for the same reason.

Mr. NESMITH. Will you state to the committee your knowledge of the conduct of Indian agents and employes?

General SHERIDAN. I would not like to put on paper any criticisms about that department unless I am compelled to. I do not know whether it would be right for me to do so, except so far as may be in connection with my duties. I have been on the frontier for the most part of the last twenty years, and I think there is a mistaken idea in the country about the desire of frontier people to have Indian wars and to have troubles with Indians. The impression made on my mind is that the frontier people want peace. Their great desire seems to be for peace with the Indians, and has been always so, so far as I have been able to observe. When the Indians come into a neighborhood they are treated kindly, and are generally given something to eat, and everything is done to keep on good relations with them. So far as the Army is con-

cerned I am sure that it has the greatest sympathy for Indians. I have myself. I have lived among them, and I am able to communicate with them in their language, and I have the sympathy that everybody has for a fading-out people. I believe that a remnant of all the Indian nations and tribes can be saved and civilized, and taken care of. But as a whole I scarcely think that the Indians can be. I have seen the working of the reservation system and the whole process of that civilization since 1855.

Mr. NESMITH. Have you known any cases where Indian wars have arisen by aggressive acts on the part of frontier settlers?

General SHERIDAN. No; it has been always the other way. The first depredations have been by the Indians, and some of them have been very horrible. I have known the most horrible depredations to be committed by the Indians, and to have led to wars. Take, for example, the war of 1867, in Kansas. There the Cheyennes made their first raid unexpectedly on the advanced settlements on the Saline River. They killed fourteen or fifteen men and captured three or four women. They ravished some of the women whom I saw afterwards, myself. One of them that I talked with told me she was ravished thirty times in succession. The other woman was ravished fifty times in succession, and the last Indian who ravished her took an old sword that he had and used it on her person, cutting her very badly. That was the commencement of that war. The war in Eastern Oregon was commenced in nearly the same way; it commenced by the murder at the Cascades. Generally the first act of hostility has been committed by the Indians.

Mr. NESMITH. Do you think that the withdrawal of the troops from these various posts in the neighborhood of Indian tribes, and turning the Indians over to be managed by moral suasion, would have a tendency to prevent those raids?

General SHERIDAN. I think it utterly impossible to govern wild Indians by moral suasion.

Mr. NESMITH. Do you not believe that if the troops are withdrawn the Indians would sweep out the frontier settlements?

General SHERIDAN. Yes. I think there would be a stampede along the whole frontier the moment the troops were withdrawn. There is scarcely an Indian now on a reservation in the United States that has not been put there by the military, and there is scarcely an Indian who remains on a reservation who is not kept there by the influence of the troops. I mean the wild Indians. I do not speak of the semi-civilized. When you come to cipher it all down you will find that every Indian on the reservation has been put there by the influence of troops, and that every Indian who stays there stays by the same influence.

Mr. NESMITH. Did you ever know any of them to go on reservations through persuasion of peace commissioners without the influence of the military force?

General SHERIDAN. No, sir. They have gone through the influence of the military. Spotted Tail when he first went to the Whetstone agency, on the Upper Missouri, was not driven there exactly by the troops, but he was driven out of the country which he had been occupying.

Mr. NESMITH. Have you seen any of those United States Indian inspectors among the Indian tribes?

General SHERIDAN. No, sir.

Mr. NESMITH. What would you say of the facilities of a man sent out from New York to gain information about Indians by talking with the Indian agents and interpreters?

General SHERIDAN. It would be a very poor way of getting information about Indians. And then it would be the case of sending a man who knew very little about that kind of business.

Mr. NESMITH. Would he be likely to be imposed upon ?

General SHERIDAN. Yes, he might be.

Mr. NESMITH. Particularly if he did not understand the language ?

General SHERIDAN. Yes.

Mr. NESMITH. Have you made any inspection down on the Texas frontier ?

General SHERIDAN. Yes ; I am quite familiar with the whole of Texas.

Mr. NESMITH. Do you know anything about the supply of cattle furnished to the Indians ?

General SHERIDAN. No, sir. I only know that when I first went down to establish Fort Sill, I found that the contractor there had a large herd of cattle which he was selling to the Indian agent. The cattle were driven away when I got there. They were driven two or three hundred miles around to Camp Supply, and the cattle were being sold there to the commissary for our troops. As soon as I found this was being done I commenced to inquire, and ascertained that the contractor had employed Indians to steal these cattle from Texas citizens and then sold them to the Indian agent. I sent up to Camp Supply and seized the herd, and I also imprisoned the men who were in charge of it. Of course I had to have the cattle killed, but I had an accurate account kept and notified the owners that they could get the price for their beef. We paid the money back to the actual owners from whom the cattle were stolen so far as we could find them. The beef contractors brought suit against me for the cattle at Topeka, Kansas, and I had to send down and get the Indians who stole the cattle to testify as witnesses. I was sued for \$33,000, but I brought the Indians there as witnesses and I thus released myself. If I had not succeeded in getting the Indians I would have had some trouble.

Mr. NESMITH. Do you know of any instance of the Army being supplied in that way by stolen cattle ?

General SHERIDAN. No, sir ; I do not.

Mr. MACDOUGALL. You have stated that on Saturday last a call was made upon you by the Indian Bureau for troops. To what extent was that call ?

General SHERIDAN. I was called upon to establish a post at the Red Cloud agency on White Earth River. I doubt whether Red Cloud agency is on any reservation. Last fall the Indians took possession of the herds of cattle and other public property at Red Cloud agency, and made a great deal of trouble there. The Indian Bureau asked me to send two companies of cavalry there and also to Spotted Tail's agency, which is forty-five miles from Red Cloud's, to protect the agents and the public property. I was afraid to send so small a force, and in order to make certain that my opinion was correct, I went to Fort Laramie myself, and I found that I was right. The North Platte is what is called the "dead line." No person is allowed by the Indians to cross the North Platte; and even the transportation of their supplies is not allowed to go that way, but has to be brought from the railroad farther down and hauled up. We found that if we attempted to send two companies there to Red Cloud's or Spotted Tail's agency we would have been obliged to fight the whole Sioux Nation. That was the impression left on my mind and that of the officers who were with me.

Mr. NESMITH. That road from the North Platte to Red Cloud's agency would pass through the Black Hills ?

General SHERIDAN. No; but it goes directly from the North Platte Station, which is east of the Black Hills.

Mr. NESMITH. Did the Indian Bureau, in asking for two companies on that occasion, show a proper knowledge of the Indian country that it had to deal with?

General SHERIDAN. I think that no agent of the Indian Bureau out at that place would have asked for so small a number of troops. The request coming from Washington, I presume that the relative condition of the Indians was not understood. I wish to say in further reply to a question by the chairman, that it is scarcely known to the people generally, that there has been an increasing necessity for protection of the western frontier in the last five or six years. Previous to that time the Indians owned the country as a whole, between Texas and British Columbia. Since that time we have built all the railroads now in existence in that section of country. New settlements have followed the railroads, immense herds of cattle have been brought from Texas and other places, so that the necessity for protection has greatly increased for the last five or six years.

Mr. ALBRIGHT. How long have you been compelled to keep some of your regiments in the places where they now are, and why have you not changed them?

General SHERIDAN. Some of them have been eight years in the same place. The Twenty-Second Infantry has been nearly eight years on the Upper Missouri, in the most isolated posts. There are many other regiments that have been out for six or seven years without change.

Mr. ALBRIGHT. Would it not be for the good of the service to exchange the places of these regiments?

General SHERIDAN. I think it would be for the good of the troops, and for the good of the service in that way.

The CHAIRMAN. Do you suppose that many of those men have been there eight years?

General SHERIDAN. The officers have been, and a good many of the men have been, for they have re-enlisted.

The CHAIRMAN. They were not obliged to re-enlist and stay there eight years in a sickly country, were they?

General SHERIDAN. No; but some of the soldiers do not know what else to do.

The CHAIRMAN. There are a good many desertions from the Army which would cut down the permanent number at one place?

General SHERIDAN. Yes, a good many. There is no army in the world that does one-twentieth of the service of our Army, and the reason of its great expense is the immense territory we have to cover. The armies in Europe are generally in garrison in towns where there is no trouble or expense except the feeding of them; but here we are going all the time over very great distances and at a corresponding expense. From the character of the people on our frontier settlements, it is impossible for us to have large posts, because the people want protection all over.

Mr. GUNCKEL. You have spoken of the Indian service as indicating a cause for the increased expense of our troops, as compared with the armies of other countries. Have you any other way of accounting for that expense?

General SHERIDAN. I think that that fully accounts for it, and besides that, we give our soldiers better pay, and feed them a good deal better. The heaviest expense is that of transportation.

Mr. GUNCKEL. Is not the number and expense of officers relatively greater in our Army than in the English army?

General SHERIDAN. No, sir; I think not. I don't know what the pay of English officers is.

The CHAIRMAN. Have you ever come to a conclusion on the question of placing the management of Indian affairs under the control of the War Department?

General SHERIDAN. It has been my belief that, if the Indians had been under the charge of the War Department, we never would have had any considerable wars with the Indians. I believe that if the Indians were in the hands of the War Department, the Indian expenses would be reduced one-third or one-half.

The CHAIRMAN. Do you think you could manage the Indians with your present force?

General SHERIDAN. Yes; or with what we should be able probably to get from the South by and by. We have all the necessary machinery to perform the work, and are thoroughly systematized, while the Indian Bureau has not any machinery at all.

The CHAIRMAN. Do you think you could dispense with all the civil employés of the Indian Bureau?

General SHERIDAN. Not entirely. We would have to have interpreters, and farmers, and teachers, but we could dispense with the Indian agents, and all the higher principal employés.

Mr. NESMITH. Could not the Army officers take charge of the work of inspecting the Indians, and do it as fully and well as it is done under the Indian Bureau?

General SHERIDAN. Yes, sir.

Mr. NESMITH. In regard to transportation, you say that you have all the machinery and appliances. Could you not, in letting contracts for the supply of the Army, have the Indian supplies delivered at less prices and with more security than at present?

General SHERIDAN. I presume we could. I do not know the prices paid by the Indian Bureau, but I know that the people who get Army contracts now do not make much profit by them. The pay being secure, the competition is great, and contractors are willing to take contracts at the lowest rates.

The CHAIRMAN. If the operations of the Indian Bureau were consolidated with those of your military division within it, how many employés could you dispense with?

General SHERIDAN. I cannot answer that question, because I do not know how many men the Indian Bureau is using. I think we could dispense with all except the interpreters and a few farmers.

The CHAIRMAN. And you think that you could conduct the entire military and Indian systems in your division, and dispense with all the employés of the Indian Bureau except some farmers and interpreters?

General SHERIDAN. Yes, sir; that is my belief. I have no doubt of it at all. I want to say in addition, that it is well to know that the expense of the Indian Bureau is going to increase very much. In five years from now it will be nearer sixteen millions than eight million dollars.

The CHAIRMAN. How will that be?

General SHERIDAN. Because, as the Indians are crowded on reservations, they will have to be taken care of and fed better.

The CHAIRMAN. Can the War Department dispense with doing that any more than the Indian Bureau can?

General SHERIDAN. No, sir; the Indians will have to be fed; but I

mean that we will have to be prepared for an increase of expense in relation to Indian matters, no matter who manages them.

Mr. MACDOUGALL. Do you know the expense of the Indian Bureau this year?

General SHERIDAN. I heard it estimated at \$8,000,000.

The CHAIRMAN. Is not a large part of that expense for feeding and supplying the Indians?

General SHERIDAN. Yes, sir.

The CHAIRMAN. Are not Indian wars necessarily very expensive?

General SHERIDAN. They have been expensive.

The CHAIRMAN. Would it not be better to feed the Indians than to fight them?

General SHERIDAN. Most undoubtedly; but the trouble is you have to do both.

The CHAIRMAN. Do you think that the present system is calculated to bring on war with the Indians more than the former system was?

General SHERIDAN. Yes, sir; undoubtedly.

The CHAIRMAN. Why?

General SHERIDAN. There is no government over the Indians now at all. You cannot govern white men, no matter how intelligent, unless you have stringent laws; and yet you are attempting to govern these wild savages without any laws or any power over them.

The CHAIRMAN. Are not the Indians becoming more and more peaceable than heretofore?

General SHERIDAN. There has been a great benefit done to what we call semi-civilized or broken down Indians, but I doubt whether much has been accomplished in reference to the wild Indians.

The CHAIRMAN. Are not the Sioux in better condition than they were five years ago?

General SHERIDAN. I do not know that I am able to say that they are in better condition.

The CHAIRMAN. How many warriors do you suppose the Sioux have?

General SHERIDAN. I do not know exactly how many warriors the Sioux can turn out. It is very difficult to get at the number of Sioux. They are scattered from British Columbia all the way down to the Platte. They are divided into all kinds of bands and you are liable to count those bands twice, and sometimes not to count them at all. I should judge that the Sioux could possibly turn out about three or four thousand men in the field. But we cannot have any war with Indians because they cannot maintain five hundred men together for three days; they cannot feed them; they have no commissary; and so all that they can do is simply to make these raids and to plunder, by striking at different points. That is why we have to keep so many posts. In 1868 I took the battle-ground where the Indians could come together. That was the country between the Platte River and the Arkansas. That was the great Indian battle-ground. Herds of buffalo roamed there and the Indians could live off the buffalo and could remain there in large numbers. So I took that country from the Indians and put the Cheyennes and Arapahoes at Camp Supply, and the Comanches, Kiowas, and Apaches at Fort Sill, and drove Spotted Tail and the Ogalalla Sioux north. Since that time they have not gotten together.

Mr. NESMITH. Your command had some difficulty with the Pieguns?

General SHERIDAN. Yes, sir.

Mr. NESMITH. How have the Pieguns behaved themselves since then?

General SHERIDAN. No man has ever been killed by an Indian out there since.

Mr. NESMITH. You didn't manage them by moral suasion?

General SHERIDAN. No; they had been depredating for four years, and I was asked by the Indian Bureau to chastise them. You cannot catch an Indian unless you steal upon him. We caught them in that way and gave them a pretty good punishment, and that has been the end of it. They have made no disturbance since.

Mr. GUNCKEL. You do not believe in the Indian peace policy of the Government?

General SHERIDAN. Yes, I believe in the peace policy so far as it can be carried out.

Mr. GUNCKEL. How far do you think it is possible to carry it out?

General SHERIDAN. I think that the peace policy would be far more successfully carried out if there was some authority, some power such as the military, placed over Indians to keep them under control.

Mr. GUNCKEL. You would have the Army carry out the peace policy of the Government?

General SHERIDAN. Yes; I think that the present reservation system is the only policy. It is an admirable policy. No people in the world are treated so leniently as the Indians have been treated by this Government. That treatment has been going on for the last two hundred years. We have always been trying to save the Indians, but yet all the great nations of Indians are gone, and there is but a little remnant that can be saved. We put the hostile Indians on a reservation at Yam Hill, in Oregon, and there I had some experience of how the reservation system acts. The first process was what is called the dying-out process. The Indians commenced dying, and they died until the hill-sides were all covered with them. Then, after the dying-out process, the balance of them commenced to cultivate the soil. I bought grain from them. I bought all the grain they raised. They cut all the cord-wood for the troops, and I used to give the contracts to them. They used to compete with each other for the contracts. The children went to school and I used to see them able to read a little before I left there.

Mr. NESMITH. Do you not know that there is no way to control a wild Indian except by his fears?

General SHERIDAN. I know of no other way. The Indian has only one profession, and that is the profession of arms. He is not a mechanic; he is not a trader; and he does not cultivate the soil. He knows only one thing, and that is to make war. The very moment an Indian child gets large enough to walk about an arrow is put in his hand, and he goes around throwing it until he gets his arm strong and supple. Then they give him a bow, and he uses a bow and arrow until he is able to use a gun; but he cannot be recognized as a warrior until he takes a scalp or steals a horse. It is just as honorable for an Indian to steal as to take a scalp. But this Indian boy cannot amount to anything in a tribe until he does one or the other. Of course, these people are idle. The women do the work—pitch the tents, attend to the horses, and everything. They are an idle people, and unless you have some power to control them they will depredate.

Mr. NESMITH. Stealing is an auxiliary to their military business.

General SHERIDAN. It is part of their military idea. I have known Sioux Indians to go on foot all the way from the Sioux country to Texas, with lariats, and steal horses there and ride them back. They always go as far away from home as possible before they steal.

The CHAIRMAN. Are not the troublesome Indians in your military

division located in and near Northern Texas and in Montana and Dakota?

General SHERIDAN. The troublesome Indians are in Dakota, Texas, and the Indian Territory. The reservation at Fort Sill has been a supply-camp for the most of these raids into Texas. The Indians have been living on that reservation and making their raids from there into Texas.

The CHAIRMAN. You divided the hostile Indians in 1868 and sent the Comanches, Cheyennes, and Arapahoes south, and the Sioux north. Do you contemplate any further separation of them?

General SHERIDAN. No, sir; the settlements are doing that. We are collecting the Indians into reservations all the time, so that in five years from now they will be crowded entirely into a quiet condition, part of them in one direction and part in another. There are two territories for Indians, the northern territory and the southern territory.

The CHAIRMAN. Do you regard the Indians in the old Indian territory as needing repression at all?

General SHERIDAN. We have to keep a post there at Fort Gibson. Two years ago I abandoned that post on the representation of General Pope, but we had to re-occupy it. The troubles even among these semi-civilized Indians are not settled yet, troubles among themselves, and we require to have troops there.

Mr. ALBRIGHT. The employment of the troops now in the Indian country is of course to protect the Indians or the settlers?

General SHERIDAN. Yes, sir.

Mr. ALBRIGHT. Is it not a fact that the troops being there, and Indian agents being also there, the two branches of the Government operate in some degree as a check upon each other?

General SHERIDAN. I think it does not work well. The Indian agent does not like to be where the military is. I do not know what his reasons are. He only has his agency where the military is because he cannot help himself. Sometimes I used to think that if there was any speculation going on the presence of the troops and officers was embarrassing to the Indian agent, but I do not know whether I am right in that idea or not. Complaints against Indian agents have come in quite often, but I do not know that we have ever reported them. We do not consider that as a part of our business, and then it creates such bad feeling and such ill-will that we have thought it better not to represent the complaints of the Indians. But in one or two cases I have done so, with reference to the Mandans and Arickarees, but it was because those Indians have been with us for fifty years. They are a very small band, and I probably had a greater sympathy for them.

Mr. MACDOUGALL. Are these Indians armed?

General SHERIDAN. They are well armed.

Mr. MACDOUGALL. What kind of weapons have they?

General SHERIDAN. They usually have the best-improved gun that there is in the country. Many of them are armed with Henry rifles, many with Spencer carbines, and all of them with pistols; usually they carry two pistols. The squaws carry pistols, and the boys carry pistols. They are well armed.

Mr. MACDOUGALL. Where do they get these arms?

General SHERIDAN. They get them from traders and people who trade with them on the sly.

Mr. MACDOUGALL. Are they allowed to sell arms to the Indians openly?

General SHERIDAN. No, sir; but the Government has issued a good many guns, and the Indians have got them. Ever since I have been in

the Army there are two things I have been trying to stop; one is the sale of arms and ammunition to Indians, and the other is the sale of whisky to them; and I have been beaten on both. Every effort I have made seems to result only in their getting them on the sly.

Mr. THORNBURGH. You stated a while ago that prospectively there would be an increase in the expense of managing the Indians.

General SHERIDAN. That is my belief.

Mr. THORNBURGH. While there would be an increase of expense for a few years, until the Indians are put on reservations and kept there, would you not expect (say, after six or seven years) that the Indians will commence, as the civilized Indians have already commenced, to cultivate the soil, and that from that period afterward there will be a decrease of expense in the management of the Indians?

General SHERIDAN. Yes, there is no doubt about that; besides, as you get them on the reservations, their numbers diminish more rapidly. To give you an idea of it, the Sac and Fox Indians (the old Black Hawk Indians) had their reservation in Kansas. They had a large fund, and they thought they would build stone houses; so they made contracts, and had two hundred houses built. But after the houses were built they went in and lived in them for one or two days, and then went out and lived in the brush, and put their horses into the houses. These houses became so attractive to the settlers there that they commenced invading the Indian reservation, and I had to go down to put them off. That is how I became acquainted with their condition. There was one little band among these Indians that was called the Wild Band, which did not receive these annuities from the Government, but lived by the chase. There was the greatest difference between them and the Indians who were trying to farm. These wild fellows were quite as healthy as they could be, while the others were broken down. I mention that as an illustration of the effect of civilization on the Indians. The attempt to civilize them is really an extermination of them down to the remnant. That is what it results in. Then, when it comes to that, when the Indian gets down to the bed-rock, he commences to build up, and becomes mixed in blood, as are the Indians in the Indian Territory. He commences to mix with the white blood, and eliminates himself to some extent in that way. That is the whole process. •

Mr. NESMITH. Had not the Indians in Oregon to be prevented from burning their houses?

General SHERIDAN. Yes; we had to prevent them by military force from burning their own houses. There are a great many things which go to diminish the number of Indians at all times. When he is in his wild state we do not know anything about it, but when we get him on the reservation we begin to see it. Among Indians there are no laws to punish crimes; the only punishment they have is one family against another. When a member of one family is killed by an Indian, the people of his family retaliate on the family of the murderer. They go upon the principle of getting an equivalent, and don't care whether it is the murderer they kill, so long as they can kill one of his family. The consequence is that they are all the time killing each other. That is one source of diminution. We broke that up on the reservation at Yam Hill by the use of troops. There is another source of the diminution of the Indians, which we had also to break up. Among Indians there are two classes of doctors—one class that professes to cure only, and another class that professes to kill. The Indians believe that they have the power to kill by incantation. Women are engaged in that profession, and are generally the worst. They are always professing to

kill somebody by incantation. Then, as soon as a person who is sick dies, his friends go to work to kill the doctor. Then the doctor's friends take his part, or her part, and there is a general killing. I remember that this thing got so bad in Oregon that I made up my mind to break it up, and in order to do that I had to fight the tribe.

Mr. GUNCKEL. Suppose that public necessity requires a reduction of the Army expenses for the coming year of six million dollars, how would you make that reduction?

General SHERIDAN. I do not know that I can fairly answer that question. My knowledge is almost entirely about my own command. I do not know anything about the fortifications, or the amount of appropriation that is asked for, or anything of the kind. I therefore do not know what can be done in that respect. But I do know that you cannot reduce the force in my command unless you cease protection to some of the best interests in the country. I do not see the use of building fortifications upon the Canada line, because we can go and take Canada at any time, and there is no danger of their coming to take us. Perhaps there might be some economy effected there.

Mr. GUNCKEL. Is there any necessity for a military force in the South at present?

General SHERIDAN. I do not know that I can give a fair answer to the question. I know that the troops in the South are very anxious to get out of it.

Mr. GUNCKEL. If compelled to reduce the number of either, would you reduce the number of privates or officers?

General SHERIDAN. I think they should go together. If you reduce the number of men, of course you would have to reduce the number of officers. But the fact of the case is that you, gentlemen, cannot imagine the utter demoralization that has been created in the Army by the constant legislation in Congress affecting the Army. Almost all of you have commanded troops, and know what a panic is. The Army is kept in a condition of constant panic all the time, until I have become very much discouraged about it. In the matter of economy, I can say that there is not a single demand for money coming from any part of my division that I do not supervise myself. I have been all over the division, and know everything about it, and no officer can ask for a cent of public money without my knowing whether he should get it or not. We are as economical as we can possibly be.

Mr. ALBRIGHT. Is it not a fact that a good many of the companies in your command now are but skeleton companies?

General SHERIDAN. They are skeletons. They are so small that they really become non-effective, so that when we have anything to do one company is scarcely enough to do it.

Mr. YOUNG. Do you think that the Department of Military Justice can be dispensed with, and its duties performed by the Army, to the advantage of the service?

General SHERIDAN. Its duties were performed by the Army at one time. If you will accept that as an answer, I prefer that you will do so.

Mr. YOUNG. If we must cut down, would not that be a good place?

General SHERIDAN. The trouble about all that is this, that the Government is all the time breaking its contract with its people. It engaged with me twenty years ago for my service for my whole life; and, if it turns me out, it breaks its contract with me. It is not the intention of the Government to deal unjustly with individuals, and we ought not to abandon a system because it costs something to carry it on. Sometimes we happen to be caught in a panic, and a pinch; but, if we can

bridge it over for a little while, things will be all right again. It will be a violation of the contract on the part of the Government to deprive men of the profession to which they have given their lives. Suppose I was turned out of the Army, what would I do? It would be best for me to die as soon as I could; and I am better prepared for being turned out—prepared for it physically and otherwise—than most of the officers whom I know. With this constant legislation by Congress we do not know what to do. We get demoralized. We are kept in a condition of panic; and you know what it is to manage men who are panic-stricken. If you do not, I do.

The CHAIRMAN. In view of the fact that the Army diminishes in the number of its soldiers about one-half every year, and that the average of diminution of officers is eighty-three a year, can there not be some consolidation made, without disturbing any one now in the military service?

General SHERIDAN. If you consolidate regiments, we have more officers than we need.

The CHAIRMAN. But as there are eighty-three officers going out every year, that number would cover the officers of several regiments?

General SHERIDAN. That would be a shrinkage.

The CHAIRMAN. Could the reduction be made in that way?

General SHERIDAN. If it is to be done, that would be the best way to do it. The Government then does not violate its contract with the officers. There was an instance of that two or three years ago, when it was concluded to have only three major-generals. There were six major-generals then; but there was to be no promotion until the number came within the limit. Since that time, the limit has been reached by the death of Major-General Meade, Major-General Thomas, and Major-General Halleck.

Mr. THORNBURGH. Is not the stopping of promotion also demoralizing?

General SHERIDAN. Yes, sir; there is no doubt about that. But the question is, which of the two evils is the least. According as the country is growing larger, there is going to be a greater necessity for a neutral body of men that will obey orders. For instance, when demonstrations were made at Chicago, the people who owned property commenced at once to find out how long it would take me to get troops there, that would obey orders. That thing will grow all the time; and we want to keep in the country a compact body of what we may call neutral men, who can be used for purposes of that kind. I help the civil authorities all through the Western country. I give all the United States marshals, in New Mexico and Colorado, and out in those sparsely-settled countries, assistance to carry out the laws. We keep things steady all the time. We perform that kind of duty in addition to our military duties.

Mr. MACDOUGALL. Would you give much for a second lieutenant who did not hope some day to be a general?

General SHERIDAN. No, sir. A young man who gives up the future is not worth much.

Mr. GUNCKEL. But still, to bridge over the present, might you not prevent promotion for one year?

General SHERIDAN. Yes; but that is going to be very demoralizing in its effects. You will not make as much by it as you will lose.

Mr. GUNCKEL. You would not cut down the number of privates?

General SHERIDAN. No, sir, I would not.

Mr. YOUNG. Would you advise the opening of promotion in the Ordnance Department?

General SHERIDAN. I would not advise the opening of promotion in any one of our departments, unless they are opened in all; and it would not be fair.

Mr. MACDOUGALL. Is it not of very great service to open promotion in all the departments?

General SHERIDAN. Yes, sir. I think it certainly for the benefit of the military service.

The CHAIRMAN. You have a large number of surgeons in the military staff of your division. What is your experience as to the management of Army surgeons compared with that of contract surgeons?

General SHERIDAN. I prefer the Army surgeon. The contract surgeon costs nearly as much. The Army surgeon is bound to obey the orders he gets. The contract surgeon, if he is at a pleasant post, and is ordered to one not so agreeable, can throw up his contract, and we have no control over him. I prefer, therefore, that surgeons should be regular officers of the corps.

WASHINGTON, D. C., *January 28, 1874.*

Examination of R. H. MILROY.

By the CHAIRMAN:

Question. State your official position.

Answer. I am superintendent of Indian affairs in Washington Territory. I commenced my official duties there about the 1st of August, 1872.

Question. State whether you have visited the Indian tribes in that Territory?

Answer. I have visited them all.

Question. What is their condition as to friendliness or unfriendliness, hostility or mischief.

Answer. I found nothing but the very best disposition among the Indians. They are all very friendly and well disposed towards the whites.

Question. How many Indians are there in that Territory?

Answer. By the census of 1870 there were over 15,000, but I do not think that that census was correct.

Question. Do you think the number is smaller?

Answer. I think so. I think there are probably not more than 10,000 or 12,000.

Question. Are there any military posts there?

Answer. Yes. The post at Walla-Walla is the largest, I think, and has the largest number of troops at this time. There is a post at Vancouver, and one at Fort Colville, and one on San Juan Island.

Question. State whether this condition of peacefulness on the part of the Indians is owing to the presence of the military force.

Answer. I do not think it is.

Question. What is it owing to?

Answer. I think it is because the Indians have become impressed with the idea that the white man is too strong for them, and that it is useless for them to go to war. They are not a warlike people in disposition—not so warlike as the Indians on the plains. They are more peaceably disposed.

Question. What is the condition of these Indians as to civilization and a disposition to adopt the mode of life of white men ?

Answer. There is a slowly-growing disposition among them to adopt the civilization of the white man and his mode of living, from agriculture and from labor. They are being forced to it from the fact that their means of living by hunting and fishing are being cut off and circumscribed by the whites.

Question. Are these Indians supplied by the Government ?

Answer. No. They have no supplies from Government except supplies of medicine to a very small extent.

Question. What is the work of the Army there ?

Answer. The soldiers attend to their daily drills, I suppose. Since I have been there I have called twice for small detachments. At one time the call was occasioned by some bad white men being on the reservation and refusing to leave. On communicating with the Department here I was directed to notify these men to leave, and if they did not do so to ask a military force to eject them ; which I did, and they were driven out. At another time the Indians were disaffected toward the agent by mixing with bad white men, and they became insolent and overbearing toward the agent and refused to obey him. They had a general fist-fight and they whipped the agent and employés. I asked for some military force at the post, and General Davis sent over a few troops there to show themselves, and that was enough.

Question. Is that the only use you had for military force there ?

Answer. Yes. That was last year.

Question. Have you ever used the military for escorts ?

Answer. No, sir. I have traveled for months among these wild tribes without any escort. White men can travel safely in any part of Washington Territory or British Columbia. The miners and hunters travel with impunity in every direction.

Question. What would you regard as the real function of the military power there ?

Answer. It is simply in case the Indians should become unruly to show that we have soldiers. They have a fear of the soldiers.

Question. It operates, then, as a threat upon the Indians, and in that way alone ?

Answer. Yes, sir ; so far as I know.

Question. Are those Indians on many reservations ?

Answer. No, sir ; they are not. There are reservations which most of them could go to, but they do not confine them to reservations at all in that Territory. I think it would be very unfortunate to the Indians to have them turned over to the War Department. That was tried in 1869 and 1870, and resulted very injuriously to the Indians. The officers who were detailed to take charge of the Indians looked upon them as being unnecessary in the world, and they took no interest at all in their elevation, civilization, or Christianization. The whole object was to let the Indians take care of themselves with the least trouble to these officers, to enable them to draw their pay.

Question. Then you would say that the Army operates merely as a police force ?

Answer. The Army was not there then, except garrisons at the posts mentioned. The officers were detailed as superintendents, agents, and sub-agents, and it proved very disastrous. If we commenced treating the Indians as citizens and placed them under the laws and let the laws have force over their reservations, I think it would be a great help toward governing them.

Question. Would you treat the Indians as citizens and individualize them?

Answer. I would not give them the right of franchise as citizens, but I would put them under the protection of the laws and make them subject to the laws.

Question. Would you punish them as ordinary offenders of the law?

Answer. Yes. These little reservations are now independent sovereignties.

Question. Do you think they would surrender their criminals without trouble?

A. Yes. I have no doubt about that. I have some of them in the penitentiary now, after trial and conviction in courts, and that course has had a better effect upon them than any course pursued. Every reservation in that Territory is in some organized county, and I would let laws be enforced over these reservations.

Question. Do you believe that the county authorities could control them?

Answer. To a great extent they could control them, and punish them for committing offenses.

By Mr. MACDOUGALL:

Question. What was your business before you were appointed Indian agent?

Answer. I was an attorney-at-law. I practiced law for twenty-five years.

Question. Had you ever had any experience with the Indians before you went out there?

Answer. My father was agent for the Pottawatomies many years ago.

Question. You never had any experience yourself till you were appointed superintendent?

Answer. No, sir.

Question. Where were you appointed from?

Answer. Indiana.

By Mr. ALBRIGHT:

Question. If you hold the Indians amenable to law, and punish them for violation of the law, and if they are intelligent enough, why not make citizens of them?

Answer. I would like to have them first taught the English language and then something about our institutions. I would give them the rights of citizens as we give them to females, but I would not allow them the franchise. The Indians know what is right and wrong as well as any other human beings, but the most of them are too ignorant and uncivilized to be allowed the privilege of franchise yet.

Question. Do you take the ground that the Indian cannot be civilized?

Answer. No, sir; not at all. There are Indians in the Territory who are highly civilized, who can read and write and make as good a speech as most white men, but the mass are not so. There are some fine Methodist preachers among the Yakimas.

By Mr. YOUNG:

Question. Do you not think that those who can read and write and are law-abiding citizens should be enfranchised?

Answer. Yes; I should certainly enfranchise them.

By Mr. MACDOUGALL:

Question. What salary do you get?

Answer. Twenty-five hundred dollars in greenbacks.

Question. And your expenses?

Answer. No, sir; only expenses while traveling.

Question. What do your salary and expenses amount to in a year?

Answer. Probably \$3,000.

Question. Have you any deputies or clerks under you?

Answer. I have a clerk and an assistant clerk.

Question. What pay do they get?

Answer. The clerk gets \$1,800, and the assistant \$1,600.

Question. And expenses while traveling with you?

Answer. No, sir. They do not travel with me.

WASHINGTON, D. C., *January 27, 1874.*

Gen. ALBERT J. MYER appeared before the committee in response to its invitation.

The CHAIRMAN. In view of a curtailing of expenses, and a more economical management of every Department of the Government, is it possible for you to cut down any number of your stations, and what branch of your service would you diminish?

General MYER. I have established no stations without very careful thought, and simply to render good service to the people of the United States. That is the only way in which my duty is to be done, and I would not cut down a single station.

The CHAIRMAN. Have you any average of the cost of those stations?

General MYER. There are a good many averages that can be made. Different stations cost different amounts. I must reach as many people as possible in the cities, on the sea-coast of the United States, on the lake-coast of the United States, on the rivers, and on the canals. Then I must go to the whole farming population. These are my duties by law. Let us take up the single branch of the duty with reference to the benefit to agriculture; simply this matter of the farmers' bulletin. We have in the United States certain places which we call centers of distribution. To these at midnight of every day our full report is sent, to be thence distributed for the benefit of the farming population surrounding those centers. It is at once placed in bulletin form, enveloped, addressed to each postmaster within a radius of one hundred miles from that center of distribution, and by an arrangement with the Post-Office Department it is immediately mailed and carried with the greatest rapidity to those different post-offices and then, by order of the Postmaster-General, displayed at each of those post-offices in a frame. That work is to reach the farmers. It is made for their benefit. It gives me the power of disseminating this information, in addition to the great power given by the press, to nearly all the population in the vicinity of the large cities. Taking the cost of the stations at which that bulletin is displayed, (supposing that was the only work done by our office,) leaving out the canals, rivers, lakes, sea-coast, and cities, the cost would be, at each little village, 43 cents per day. I mean that that would bring the cost down to 43 cents a day, equally to the city of New York and the smallest village in the interior of the United States. Now, if it is permitted to assume that one hundred people on the average see that bulletin, we can very readily get an idea of its cost per man. And if by reading three hundred and sixty-five of these bulletins in the course of a year each of these men saves the value of a single hat, the cost comes back

to the United States. We are not wanting in encouragement. We receive letters continually from the different agricultural societies, from the farming and interior population, in reference to the good they assume to have been done to them by our work. One man says that he has saved hay; another that he has saved his bees; a third his sugar-crop; and a thousand such instances as that.

Mr. HUNTON. What was the use of that signal-station established in Occoquan County, near Warrenton, on the mountains?

General MYER. For taking observations at an elevation.

Mr. HUNTON. It is not a permanent station?

General MYER. No; it is already abandoned. The use of these mountain-stations I would be glad to explain to the committee. A great many questions in meteorology are wholly undecided. The United States to day have taken more steps in the direction of making meteorological knowledge practical than any other nation in the world. One great question to be decided is how the barometer is affected at different elevations. One mode by which we hope to arrive at rules in regard to it is by establishing stations on the summits of high mountains and by having other stations at different elevations, from the summit down to the base, and by taking all the observations simultaneously, at exactly the same instant of time. Not only are observations thus being taken at the summit and at the base of the mountains, but they are being taken as far west also as the Pacific, and as far east as the Atlantic; as far north as British North America, and as far south as the Gulf of Mexico. There has never before been such an opportunity given to men to study these questions, and we hope to settle them.

Mr. GUNCKEL. Why should your office be connected with the War Department?

General MYER. One invaluable reason (besides a great many more) is that it is impossible to do a duty of this description except through military men. When you have to tell men to do certain things at certain moments of times, and to keep doing them from one year's end to the other, you require some power of compulsion. Many of our stations are disagreeable. Some of them are on mountain-tops. Some are out on the plains. But the soul of all the work is in its instantaneity; in all the observations being made at the same instant of time. They must be made by an organized force. Our men make just such observations and report them at just such moments of time, in just such forms of cipher, by just such routes of communication as I direct from the central office; so that it is practically one man thus making observations throughout the whole United States. That alone is a reason for having the work done by military authority. In addition to that the duties of the signal-service are as legitimately military duties as any duties of the Army. I do not think that any one will question that the duties pertaining to field-telegraphy and field-signals, as performed during the last war, were a part of the military establishment of the United States. I have in my possession letters from the General of the Army, and the highest military authorities both of the Army and Navy, very fully recognizing its service then. The duties in time of war are to ascertain the dangers threatening and the most rapid communication of information concerning such dangers to headquarters, so that proper steps may be taken to guard the Army or anything else against such approaching danger. The duty is a military duty, whether it is done by swinging a flag, by firing a cannon or by throwing up a rocket, or by use of field or electric telegraph. We come to a time of peace, and it is still a legitimate occupation for the Army. My men who are stationed

throughout the United States are really vedettes against approaching storms, of which storms they must give instant communication to headquarters as if they were serving in the field against an enemy.

Mr. GUNCKEL. Would it not be practicable to attach this office to the Smithsonian Institution ?

General MYER. No ; I think not. It would be perfectly impracticable. The Secretary of the Smithsonian Institution has very recently, and courteously offered to my office to turn over to our supervision all the system of observations in the Smithsonian Institution, saying himself that a duty of this description comes legitimately into our charge, and that we have every facility to make it useful.

Mr. GUNCKEL. Can you tell how much is paid to the telegraph companies in the United States per year for telegraphing for your office ?

General MYER. Yes ; about \$150,000 are paid for our regular circuit-work, and we expect to pay in this year \$25,000 more. It is pretty well known that one of my greatest difficulties has been that I think the telegraph companies ask too much, while they think they do not.

Mr. GUNCKEL. Do you pay special or full rates ?

General MYER. We pay what is a special rate ; our work is done in a special manner, but it is a rate prescribed by the Postmaster-General. That is a matter which has been in controversy now, between my office and the telegraph companies, for two or three years, and which has called for very wise legal advice. I am in hopes that the rates will diminish, and that the telegraph companies will find it for their interest to diminish them. Indeed, I say to them that they had better do this work for nothing than come in conflict with the public interests. But the telegraphing is a great expense.

Mr. ALBRIGHT. I would like to know what it costs the Government to keep up the signal-service establishment.

General MYER. That is what I have tried to give the committee, as nearly as possible, in the letter which I have written.

Mr. ALBRIGHT. That is \$417,000.

General MYER. That is the cost of the Army force.

Mr. ALBRIGHT. I want to get the total—what you totalize.

General MYER. The total estimates up to the end of this fiscal year for the special duties of the signal-service, in addition to that \$417,000, is \$353,500.

Mr. ALBRIGHT. Is that all ?

General MYER. The postage is to be added, if that is to be called an expense to the United States.

The CHAIRMAN. Have you any way of arriving at the cost of printing for your office ?

General MYER. The printing is done out of the \$353,000.

Mr. HUNTON. This sum that you have given is the expense of the Department, including the pay of men and officers ?

General MYER. The pay of men and officers is included in the item of \$417,000.

Mr. HUNTON. That is not a legitimate expense of your Department, because those men would have to be paid anyhow, if they were not employed in the signal-service.

General MYER. These men are appropriated for, and would have to be paid, anyhow, out of the Army appropriation bill.

Mr. HUNTON. So that it is not that much extra compensation because of signal-service duty ?

General MYER. No, sir.

The CHAIRMAN. Are they not paid over and above their ordinary Army pay ?

General MYER. I think not. These men get for their pay the different sums that I have stated in my letter. In that is included the commutation, for rations, and if a man is on a station he gets his extra-duty pay. But the whole of the amount is included in the figures which I give, and all of which comes from the different bureaus of the War Department, and is estimated for in the Army appropriation bill.

The CHAIRMAN. State the different classes of enlisted men that you have in the service.

General MYER. One hundred and twenty sergeants, and the remainder privates.

The CHAIRMAN. What is the pay of a sergeant ?

General MYER. Seventy-five dollars a month when on station.

The CHAIRMAN. What does a private cost ?

General MYER. Sixty dollars a month on station.

The CHAIRMAN. In addition to that does he get anything whatever ?

General MYER. The cost I gave you includes clothing and rations.

The CHAIRMAN. Does the soldier clothe himself, or is he uniformed ?

General MYER. He commutes, and does what he pleases with his money. He either draws his uniform, or is clothed from his own money.

The CHAIRMAN. You say in this letter that the printing done by the Public Printer for the present fiscal year has been paid for from the general fund of the War Department, of which there are no data at your office. What items of printing does that cover ?

General MYER. That covers the reports, blanks, and different forms of instructions. During the last fiscal year we got but very little printing done by the Public Printer, for the reason that we were told at the War Department that the sum set aside for us had been all expended. I should like to have from the Public Printer, if I could get it, the sum of at least \$40,000 a year in printing.

The CHAIRMAN. Have you an idea of what your part, which is a large part, of the printed report of the Secretary of War costs ?

General MYER. No, sir.

The CHAIRMAN. What are the reports that you have mentioned as being paid for out of this appropriation ? Was this that is printed in the report of the Secretary of War part of it ?

General MYER. That was certainly not on my mind at the time. The whole system of work by the Public Printer, I understand, was changed on the 30th of June last. Before that time we sent to the War Department what we desired to have printed, and they sent it to the Public Printer, and it was printed without our being informed in relation to it. Since then they have set aside out of the War Department, I believe, a sum of \$7,000 for our public printing. That is exhausted, and to-day they say we can have nothing done by the Public Printer, because we have nothing to our credit.

Mr. GUNCKEL. Where do you get it done, then ?

General MYER. What printing we have done is done in our own office.

The CHAIRMAN. What kind of a printing-office have you ; and how many hands have you employed there ?

General MYER. We have thirteen enlisted men engaged as printers.

The CHAIRMAN. Are they included in this list ?

General MYER. Yes, and there is nobody else employed in printing for us. The cost is given as paid for out of this sum, which I estimate as sufficient.

The CHAIRMAN. Do you have any printers besides those enlisted men ?

General MYER. At our centers of distribution we print these farmers' bulletins. We have no printers employed except enlisted men.

The CHAIRMAN. State where these farmers' bulletins are distributed ?

General MYER. There are eighteen centers of distribution : Albany, Augusta, Bangor, Boston, Buffalo, Chicago, Cincinnati, Detroit, Leavenworth, Memphis, Montgomery, Nashville, New Orleans, New York, Pittsburgh, Springfield, Saint Louis, and Washington.

The CHAIRMAN. State the method of distributing these farmers' bulletins.

General MYER. At midnight the synopses and probabilities are telegraphed from my office to each of these centers of distribution. So soon as it is received there it is printed on forms of this description, (exhibiting it.) As fast as it is printed it is enveloped and mailed to each post-office within the radius of one hundred miles from that center of distribution. All of the steps go on simultaneously. By an arrangement with the Post-Office Department, it is immediately distributed on the different trains running out from the center of distribution ; and at each post-office it is displayed in a frame by the postmaster, under an order from the Postmaster-General.

The CHAIRMAN. State whether they are thrown out at the depots or regularly posted.

General MYER. No, they go regularly to the postmaster, who has received beforehand a frame, on which frame is the order of the Postmaster-General requiring that he shall display that bulletin instantly whenever it is received. And we have special arrangements with the Post-Office Department by which they do all in their power to hurry these things through, shortening the delay in distribution. It is a pretty big thing to handle, with twelve officers and four hundred and fifty men for the whole United States.

The CHAIRMAN. Does that cost anything besides the printing ?

General MYER. Not a thing besides printing, except the postage.

Mr. GUNCKEL. What is the reason you do not extend this system away off two hundred miles from the centers of distribution ? It would get there a little later, but that would be better than not to get there at all.

General MYER. We are afraid that it could not be done as it ought to be done at a greater distance than a hundred miles, or than a hundred and fifty or two hundred miles where there are fast trains running. If we undertake to do more they make complaint about its being late. A man goes to his post-office at 4 o'clock in the afternoon, for instance, and sees it, and says, "What is the use of sending this thing here at this hour ? It never gets here in time to be of any use to us."

Mr. THORNBURGH. Has any preliminary arrangement been made looking to an international signal system ?

General MYER. That is a thing in which I take a very great interest, and we have already commenced it. The first thing to secure being done was the taking of simultaneous observations, if possible, all over the world. I can see now that a storm comes in from the Gulf of Mexico and goes out on the Atlantic. It is as easy to trace it as to trace the movements of an army ; but where it goes to, or whether another storm originating in the same place where that originated is following it, we cannot tell. Neither are the steps possible to be taken to enable us to tell, until we can get the whole northern hemisphere to agree on one simultaneous observation ; that is, to have the observations made

over the whole northern hemisphere, as they are now made over the whole United States. At the Vienna convention of meteorologists last summer, which I had the pleasure of attending, that point was brought up for consideration, and it was voted by a unanimous vote in the convention that it was a desirable thing to be done, and immediately I made an arrangement with Russia, as lying nearest us on the Pacific—Russia holding the western coast of the Pacific, while we have the eastern coast. The Russian observers commenced on the first of this month taking simultaneous observations, and they have so continued. In addition to that, I entered into a correspondence with the head of the meteorological service in Austria, and he also commenced taking observations on the 1st of January. England either has commenced or will commence; also Belgium and Holland; and the French minister tells me that he will do everything possible to induce the French government to commence it. These reports are not to be sent to us by telegraph now, because they would cost more than they are worth, but they are going to be registered. When the observer goes to his barometer in San Francisco or New York, another man will be going to his barometer in St. Petersburg, another at Vienna, and others all over the world. We even may carry the plan to the northern part of Siberia. These observations are to be recorded, and on the 15th and last day of each month they are exchanged by mail. It is the first time that so many great powers have ever agreed upon a work of this sort, and I have every hope that good will come of it.

Mr. ALBRIGHT. If you do not get the reports until fifteen days after the observations are made, in what way do you propose to make them serviceable.

General MYER. They are for study, not now for storm-signals; but, by and by, if I see that a storm overhangs the coast of Russia, and crosses, after four or five days, my station on the Aleutian Islands, and if in two days more instruments on the coast of California and Oregon begin to show the approach of a storm, I will be warned; and, by and by, when we get the means of submarine telegraph communication, they will telegraph to us from Russia that a great storm is now going up the Russian coast, which is as much as to say to us "Look out for your Aleutian station, and your stations in Oregon and California." If cable communication is established I will hear of that storm as it crosses our farthest western station, which we now have in the middle of the Pacific Ocean, and a telegram coming to me will assuredly tell me of the presence and approach of that storm, as the coming of a vidette tells of the approach of an enemy's cavalry.

Mr. MACDOUGALL. Have you investigated this aerial telegraph system by which it is claimed they can telegraph by aerial currents?

General MYER. No, sir; but I hope for something that will reduce the expenses of telegraphing.

Mr. ALBRIGHT. State in what way, particularly, the agriculturist, and men of that character, avail themselves in their branches of business of the facts which they get from your reports?

General MYER. We say for instance, that the temperature this morning is very low in the northwest, and that it will probably fall below the freezing-point in the western Mississippi Valley; now, there are a great many interests which, by that telegram alone, will be protected from the effects of frost. In summer, we say that an area of low barometer is now over such and such States, and is moving, and will probably pass over such and such other States, with rain. Farmers who are making their plans to gather in their crops get their hay, &c., read that warning. The farmer

learns, after a little while, that we do help him, and he says that, instead of getting in the hay to-day, he will wait till to-morrow and let the storm go past. After it goes past he gets in his hay. There is a pretty fair ground to believe that there will not be another great rain-storm passing over his section of the country very soon. But the prospect goes further than that. If we say, summing it up here at my office, that rain is probable in any section of the United States, as marked out on our district map, for instance, in New England, or in the Middle Atlantic States, or in the Southern Atlantic States, or in the Western States, the more scientific among the farmers (and they are learning to be scientific) will look at their instruments. The farmer will say, "We are warned now that rain is probable. I want to know whether it will come over my county and my farm." If he finds his barometer falling and thermometer going up, and the humidity of the air increasing, (all of which can be found by very simple instruments,) he knows it is better not to try to get in his hay, because rain is very probable.

Mr. ALBRIGHT. It is rumored that sometimes Old Probabilities is not always correct in his prognostications.

General MYER. That is entirely the fault of Congress, so far as part of it is concerned. If Congress will give me enough of stations and enough of men and money, I think I can increase our average of accuracy to 90 per cent. We found with great pleasure during the last year, that in proportion to the number of stations, the reports from which are considered as bearing upon any section of the country, so is the accuracy of the report in relation to that section of the country. And in those very favored sections of the United States lying to the eastward, and having all of these stations west and southwest of them, we carried the percentage up to 80 per cent. of accuracy. Twenty per cent. of failure you must allow us.

Mr. ALBRIGHT. Then the want of accuracy is due to the fact that your operations are not sufficiently extensive?

General MYER. That is one reason; but another reason is that the science of meteorology has not yet arrived at a certainty. We are mere infants at the work. Give us the time that it takes a man to become of age, twenty-one years, and I think that the work will show that it has improved from year to year. We feel ourselves to-day to be the merest students. Where are we going to learn? No country except the United States ever set on foot and maintained such a system.

Mr. ALBRIGHT. Is not the barometer an absolutely truthful instrument?

General MYERS. It must be taken in connection with other instruments. The barometer shows the atmospheric pressure above it, but you must have other instruments. Practically, however, the barometer may be said to be correct.

Mr. ALBRIGHT. The barometer is an instrument that tells the condition of the weather with absolute certainty?

General MYER. It is one of the most valuable instruments, but I do not think that it can be said that it tells anything with absolute certainty, because if it did we never would fail.

Mr. ALBRIGHT. The results of the observations made are derived from the barometer?

General MYER. From the barometer, the thermometer, the direction of the wind, the relative humidity of the atmosphere, the character of the clouds, and the amount of cloud; all enter into consideration.

Mr. GUNCKEL. Including postage, printing, and all other items, would

not the total expense of your office reach nearly a million dollars per annum?

General MYER. No, sir; I think three-quarters of a million would be an outside figure.

Mr. GUNCKEL. Are we to understand you do not think it possible to make any reduction in any branch of your office, by applying any business principles to it or otherwise?

General MYER. I don't know of any reduction that I would like to make. In the first place, we have tried to be just as economical as we can, because it has been our own desire to extend the service to as many people as possible, and if you consider that the average cost of my men is not more than what the pages receive in Congress, something like \$900 a year, you will see that such work as you require them to do cannot be paid for at any cheaper rate.

Mr. ALBRIGHT. Is there no way by which some revenue might be derived from this system? Are there no men who would be willing to pay for the information which is now gratuitously distributed?

General MYER. That may be, but it would open a very great business office with its staffs of employes and its account-books, something like the Treasury of the United States, in some little time. I think that if the committee has time to look into the question it will find that the expenses of the service, even if they were double what they are, are more than repaid to the United States and to its citizens every year.

We have said nothing yet about the storm-signals displayed by day and at night at the several ports for the benefit of shipping, and how shippers and seamen use them; of the river reports of floods, ice, depth of water, &c., on all the principal rivers; of the signal-stations at life-saving stations and light houses on the dangerous sea and lake coasts; of the canal reports for the benefit of canal commerce; of the signal duty as making co-operation of Army, Navy, and revenue forces possible at any time; and of the immense circulation given through the press, all of which are had without one cent of additional cost. We have considered only one branch of the service.

WASHINGTON, D. C., *January 28, 1874.*

Bvt. Maj. Gen. JAMES A. HARDIE, Inspector-General in the service of the United States, appeared before the committee in response to its invitation.

The CHAIRMAN. State what portion of the country you have inspected recently.

General HARDIE. Within two years I have inspected in the States of Arkansas and Louisiana, in Southwestern Florida, in Oregon, in Washington Territory, and in Idaho. I have also inspected within the Departments of the Platte and the Missouri and the Division of the South, wherein lie the States of Nebraska and Kansas, the Territories of Wyoming and Dakota, the State of Missouri, and other Southern States.

The CHAIRMAN. If there must be a reduction in the Army, from what portion can the troops be withdrawn, with the least disadvantage to the military service and the most advantage to the country?

General HARDIE. There can be no reductions from which great pecuniary results would follow without risk of mischief to the public service. But as the form of the question supposes a reduction, and it is then asked where should it fall to do the least harm and the most general

good, I reply that perhaps certain reductions and changes which I will go on to state will be as likely to meet the proposed conditions as any other. The Secretary of War two years ago (and I think the recommendation was repeated last year) recommended some reductions in the regimental organization. If I remember correctly, he expected to save \$350,000 a year from those reductions. They were the abolition of the grade of company quartermaster-sergeant in the foot companies of the service, both artillery and infantry; the abolition of the grade of artificers allowed to foot-companies, and the return, so far as the appointments of adjutants and quartermasters of regiments were concerned, to the old system before the war; that is to say, lieutenants for adjutants and quartermasters not to be additional lieutenants. They were detailed from the subalterns of the regiment. This would diminish the number of lieutenants in the Army by a reduction to be effected by leaving two vacancies in each regiment at the foot of the second lieutenants, until the extra officers were absorbed. There were possibly one or two other reductions of an unimportant nature proposed. The sum of all, however, was to reach a saving of about \$350,000. Presuming, I repeat, that there is to be a reduction, and in answer to the question as to where it should reach to fall the lightest, it suggests itself to me that the least indispensable men among the troops are the bands. In every regiment there is a detail of from fifteen to twenty men as a band. Some years since Congress abolished the regular bands of regiments. There were leaders hired and men employed as musicians at fixed rates of pay. Appropriations for that purpose being discontinued, bands have since been provided by details of men from the companies, reducing every regiment's fighting strength by sixteen or twenty men. We had the same method before the war. Now, it is possible to do without other than field-music. But the loss would be greatly felt by the troops. Bands promote the military spirit. Military parades and other ceremonies without the accustomed music of the band would be wanting in interest and satisfaction, and bands at distant posts promote the military advantage by enlivening the monotony and dullness of garrison and frontier life. But if we are too poor to pay for it we can do without music, provided we have the necessary field-music. At all events, Congress decided to do without them some years ago when it abolished bands; and I do not know that it occurred to the promoters of the abolition in Congress at the time that there would be details made for that purpose. The number of musicians in bands in the Army amounts to nearly a whole regiment in strength. In abolishing bands, the regimental strength might be diminished by twenty men (as to organization) in each regiment without diminishing the number of bayonets in the ranks. In the artillery we have now five batteries; mounted field-batteries. The mounted battery service is one in which artillery officers take peculiar pride. It would be prejudicial to the service to break up any light batteries. But I think this is the sacrifice next most easily afforded. We have an artillery school at Old Point Comfort, and it seems to me that battery instruction can, without any permanent injury to the service, be for the present exclusively conducted there by allowing one battery to be stationed there out of the five regiments, and reducing the others to the condition of foot-companies. That would cut off four mounted batteries.

The CHAIRMAN. What would you do with the remainder of the artillery regiments; can they be reduced?

General HARDIE. With reference to the reduction of foot-troops, both infantry and foot-artillery, we will need a considerable number of line officers, and the question of the reduction of two officers to each regi-

ment has been considered. It does not seem to disturb the existing line organization so far as the number of regiments is concerned, or the number of officers composing them beyond what I have suggested; but where troops are not actively employed, and at places where it is only necessary to exhibit the authority of the United States to promote the objects designed, it seems to me that we might (though it is of course injurious to the companies) transfer men from moderately full companies to posts on the frontier where companies would need these men for more active service. In that way, charging the expense of the transportation of these men against the expense of recruiting, we might recruit one portion of our Army from another portion, and so absorb some two or three thousand men, discontinuing recruiting until the adjutant-general can perceive that the number is likely to fall below the required strength. Of course we would have to take the risk to be incurred in weakening points now garrisoned. We might lose more by the weakening or discontinuing certain garrisons than the cost of maintenance of the Army for years would come to. Many line officers are needed for general detail outside their regiments. The services of a considerable number would be indispensable to supplement the contemplated lessened strength of some of the staff departments. These are now, most of them, far below the legal standard in numbers. It is to be hoped that the staff organizations will be fixed, even at a reduced figure as to numbers, if it must be, and detail officers from the line for staff duties to supply the deficiency in numbers if there be found any. One advantage to be derived from details from the line for the staff would almost reconcile me to a moderate reduction in the future scale for such of these organizations as can at all bear it, and that is, that there is and always has been a feeling on the part of the line that the staff is the most privileged branch of the service, without being the more deserving. This jealousy works mischief. I would be glad for line officers to share our labors and our privileges whatever they amount to. I think there might be harmony produced possibly, and a better state of feeling, which would be greatly to the benefit of the public service. It would enable us to pursue our public duties with singleness of purpose and tranquility of mind if not kept continually in hot water by distractions and disputations about place and position, and merit, and station and pay; and all the other points suggested by corps jealousies. Another advantage, and a very important one, would be this, we would be training up a set of younger officers from whom the permanent officers of the corps could be taken if these should be the more favored candidates, as they ought to be. Appointments from outside, forced upon the staff corps without consulting the heads of those corps, have not been the most fortunate appointments made.

The CHAIRMAN. If you have fixed in your mind any definite number as to the various branches of the staff that might reasonably be adopted, I would like you to state it?

General HARDIE. The action of Congress in refusing to allow promotions in the staff has had for its foundation the belief that the staff organizations were too large. The design it is to be presumed, was to let time deplete those corps, so as to render the fixing of the lower establishment more easy to accomplish without injury to worthy individuals or derangement of public interests. I do not advance the proposition that the staff is too large; and if I did, my opinion would not be as valuable as that of the heads of the staff corps concerned. I would rather see things as they are than have them disturbed. The advantages pos-

sessed are ascertained ; those promised by any new arrangement are not certain.

But if a reduction of the legal standard for the strength of the corps be resolved on, since time has depleted the actual strength, and most of the corps are now below the legal strength, some of them indeed embarrassed by the number of unfilled vacancies, the fixing of the new standard can now be determined. The new numbers in some of the corps can, in my judgment, be less than the old numbers fixed ; though not much less in any than the numbers that the corps at present have in them. Some of the corps cannot well be reduced to as low a permanent standard as their present actual strength. I am not prepared at this moment to fix the actual strength for the new establishment in my mind. It is a question that requires study. But permit me to add that what is done in this direction should be done without great delay. Once the scale fixed, let promotion go on. Promotion is the mark of professional success. It is essential to keep up soldierly ambition. Its current stopped, the whole military system becomes sluggish in its movements. To withhold it is to devitalize the corps affected, so far as its spirit is concerned.

Mr. MACDOUGALL. What do you think of the propriety of opening promotions in the Ordnance Corps ?

General HARDIE. I would open promotions in the Ordnance Corps for higher grades, but for the lower grades it seems to me that inasmuch as we have twelve extra first lieutenants in every regiment of artillery, we do not need to enlarge, certainly, the lower grades of the Ordnance Corps, when we can supply needed officers from the artillery. It would hardly be consistent to cut off in one branch of the service and add in another branch, when the same officers would answer in both.

Mr. ALBRIGHT. You would suggest that officers from the line should be promoted to the different staff departments ?

General HARDIE. I referred to details, as they are styled, of officers of the artillery to duty in the ordnance

Mr. ALBRIGHT. Would not the Ordnance Department, or the Engineer Department, suffer detriment from having men who were graduates on a lower scale of merit, and who might not be fitted by their mental qualifications for those departments, transferred to them ?

General HARDIE. I was not speaking of the engineers. I referred only to the ordnance, and the details suggested were to be taken from the artillery corps. The officers of artillery are among the best graduates at West Point. They are pretty much all taken from those who graduated above the middle of the class. The Ordnance Corps gets from about the fifth down from the head of the class, so that the difference in mental qualifications is not very great. As boys become men there is not equal development. In fact the lad who does fairly well in his class, if he be free from vices, and have the average energy and purpose, is better apt to make a successful career in his vocation than the mere student who graduates at the head. He can better adapt himself to the varying circumstances of life.

Mr. ALBRIGHT. Then I understand you that you would confine the promotions to the artillery ?

General HARDIE. To the artillery entirely. I do not wish to see the Ordnance Corps broken down at all. I think an alliance with the artillery, without losing its independence, would be beneficial to both corps.

Mr. MACDOUGALL. You stated that by dispensing with bands the regiments could reduce expenses. I think you meant to be under

stood that then you could return from sixteen to twenty men to the regiment?

General HARDIE. We gain that number of men for duty, and could dispense with recruiting that number.

Mr. GUNCKEL. These men get no increased pay for being in the band?

General HARDIE. No.

The CHAIRMAN. Do you know whether there can be a reduction in the permanent recruiting parties?

General HARDIE. So long as our system of recruiting is what it is we need all the strength of the permanent parties to lick the new material into some sort of shape before it is sent to regiments.

The CHAIRMAN. Can there be a more advantageous system of recruiting?

General HARDIE. The Adjutant-General is a better judge than I; but I would like to see the experiment tried of recruiting by companies under the direction of the Adjutant-General. The general recruiting service might then be reduced to a minimum such as need only be relied on to fill up chinks or meet some sudden emergency. Many volunteer organizations were recruited from among the population of the country, in the towns and counties throughout the whole United States, and the regiments and the corps had their roots among the people of the whole land. Those organizations mainly so recruited were much more fortunate in material than those filled by enlisting at large, or taking their recruits from the cities and the floating population. The rank and file of the Regular Army is not recruited so fortunately as were the earlier volunteers, for we have to take in many cases men who have no alternative between starvation, or something worse, and enlistment. In fact the condition of a man may be well assumed to be desperate when he will consent to go into a service where he does not know what will become of him, where he will be sent, or what he will have to do. It seems unnatural to expect of the majority of men commencing with such antecedents, that they shall take an interest in their vocation; that they are going to be permanent members of it, and that they are not going to take all out of it that they can for the moment, and get rid of its demands as soon as they can thereafter. To say the best of it, soldiers so picked up cannot all be relied upon in the ranks to discharge with fidelity every duty that falls upon a soldier, and bear the burden of hardship and privation which it is the soldier's lot to carry. With such men, we cannot happily carry out the democratic principle of promotion from the ranks. In the administration of military justice can we put such men upon courts martial, (as is a favored idea,) for the trial of their comrades? With an average of better material in the ranks, there would be scope afforded for the operation of some system of military education. Each post should be a military academy. The better the soldier, the higher class of man you make him; the more valuable of course he is to the Government, the cheaper man he is. It is idle to expect, in the present condition of things, that any scheme of military education, such as I have spoken of above, is going to prove of any advantage. I would like to see private soldiers graded into first class, second class, and third class privates; the first class, taken from among the oldest soldiers and faithful men, forming "the permanent party" of the company. Such men will assist in maintaining the discipline of the company. They would be its life. Even if you are not fortunate in getting a first-rate set of men for the third-class privates, at all events you will have an efficient and good company. There is not a company in the service, or in any army in the world, that can bear

to have its best men taken out of it. The rest are demoralized. So that all troops and all commanding generals of experience resist demands for selected troops if the selections are to be made at their expense. Now we have selection all through our service, and simply because we cannot get a steady and regular body of men, who may be relied upon to do the full work that befalls a soldier. Suppose a company, with its officers and non-commissioned officers and some old soldiers, be sent to recruit at an interior town in any of the States, to stay during the usual tour of a year or two. The company gets its quarters, puts out its flag, establishes its mess, and commences operations. In a short time its presence attracts attention. Young men visit the quarters; the mode of life of the soldiers is seen; their daily behavior is witnessed on the streets; and if it is creditable to the service, (it is very certain it can be made to be,) the people will begin to know them favorably and take interest in them. The young men will not have so much difficulty themselves, nor will they find so much difficulty at home, (if they are not prosperous,) in joining a company already organized, its mode of life ascertained, and the place where it is going to known; where they in fact have a home at the start. For example, suppose such a company sent to recruit, from Fort Boise, in Idaho, to some country town at the east. The young men of the town soon inquire where the soldiers are from, and what kind of a country it is out there, and how long the company will stay in the place, and whether they are going back, &c. The desire to join and "go along" would soon be engendered. I incline to the belief that we might enlist many a group of enthusiastic young men of decent character who desire to see the world, and who mean to be soldiers. Men of that class would not desert. Here would be the great saving. During the latter part of the war it cost the people nearly the enlistment of two men to get one soldier. The expenses of course are not so great now; yet, I fancy that the figures would prove that our expenses in enlisting and transporting a soldier to his place must amount to, suppose I say, one-third more than they would be if we could be sure of his staying. A military establishment is at the best so costly an affair, that it is true economy to adopt the very best methods of getting the very best material, and doing the best with it after we get it.

The CHAIRMAN. Where do the most desertions occur?

General HARDIE. Desertions occur most frequently in the mining regions, and wherever there is an opportunity to get work.

The CHAIRMAN. Is it your opinion that, by the plan which you propose, a smaller number of officers and men could be put upon recruiting parties than now?

General HARDIE. I should say that the recruiting service at large, what is called the general service, could be reduced to, say, three-eighths at least of the present establishment; perhaps less. But I shall not be positive as to the numbers.

The CHAIRMAN. And in addition to that you say that the men who are recruited under your plan would stay?

General HARDIE. Yes. Referring to the economy of the proposition, it is to be observed that there must be considered the expense of the establishments of the companies sent to recruit. The economy arises in getting a better class of men; men who would not desert; men who would render full service, and who would not shrink duty when in the ranks; who would faithfully guard the public property, &c.; who would always be for duty and not in the guard-house.

The CHAIRMAN. In view of the reduction of the Army, state whether

it is possible and practicable to reduce largely the garrisons in sea-coast defenses and the present force in the South.

General HARDIE. As to any immediate necessity for full garrisons, or garrisons with companies to their full strength, on the Atlantic sea-coast fortifications, I would say that there is, so far as I know, no pressing emergency now, for we have a condition of peace. I think that men might be transferred from them to other places where they are more imperatively needed. Perhaps it is so, too, in some of the southern cities. I would prefer to be governed by General McDowell's views in this latter case, however. He is now inspecting the Division of the South, which is his command. I have observed that he is very much disposed to retrench where he can. But I must say that last winter when I inspected at the Dry Tortugas, I came back, and in a private conversation with General Sherman told him that I hoped that garrison would be removed and the place abandoned. Afterwards the fort had to be turned over to the engineers and the garrison removed. Suppose, however, in the Cuban flurry, which sprung up very suddenly, the Spanish fleet had gone to the roads commanded by Fort Jefferson, (Tortugas,) and thrown a garrison there, ever so small, what would have been the comments of the people on the fact of this fort being left liable to such an accident? How many millions might it not have cost to dislodge the garrison? If, however, the Navy had vessels to watch certain portions of the coast, so that there would not be any reasonable contingency as to any suspected enemy taking possession by our default of any fortified point, forts on such portions of the coast might be left without garrisons for a while. Forts without garrisons, however, soon go to decay.

The CHAIRMAN. State whether any posts in the Indian country can be advantageously abandoned or consolidated in view of the reduction of expenses.

General HARDIE. That subject was brought before me in my recent inspection in the Department of the Columbia. I then reached the conclusion that for a year or two there would be quite as much money spent in consolidating posts as there would be in maintaining those we would abolish. To break up a post is always attended with considerable expense, for provision has to be made at some other place for the troops and stores.

I am about to propose to the Secretary of War a reduction, in certain western departments, of expenditures which I was sent by the Secretary to look into with a view of retrenchment. He originated the mission. I think a saving can be effected, in all together, of some \$100,000 per annum. The War Department is doing everything it can to reduce expenses, and yet carry on the service efficiently.

The CHAIRMAN. In view of the Indian frontier, the Sioux frontier, and the troublesome Indians in Dakota, Montana, and Wyoming, state whether, in your opinion, any of the posts there can be reduced.

General HARDIE. Referring to the condition of the Sioux Indians, I think that the wants of the public are such as to render it exceedingly impolitic and undesirable to reduce the number of troops or posts within the Department of Dakota, or within the Department of the Platte, in General Sheridan's Division. I would not like to pronounce upon the possibility of a consolidation, but I doubt whether you would derive any important saving from that, as you would have to build new posts.

Mr. YOUNG. Do you not think it advisable that the President should be authorized to appoint a Chief of Ordnance, even though promotion in the Ordnance Corps be not opened?

General HARDIE. I can hardly see any advantage in it. Colonel Benét is now assistant to the Chief of Ordnance, and is quite efficient.

Mr. YOUNG. Do you think that the Department of Military Justice can be dispensed with with advantage to the service, and its duties performed by the officers of the Army?

General HARDIE. I think not with advantage to the service. I think, however, its scale might be reduced without disadvantage to the service, as vacancies occur. The Department of Justice, in its relation to the practice of courts-martial, has done good.

WASHINGTON, D. C., *January 29, 1874.*

General HARDIE appeared before the committee, and continued his statement of yesterday.

Mr. ALBRIGHT. If there is anything you wish to add to what you stated yesterday morning, you can now proceed to do so.

General HARDIE. I might lay stress upon that portion of my testimony of yesterday wherein I deprecate treuchant measures, in the interest of economy, affecting so large a branch of the public service as the Army and so many interests in that branch. It cannot be foretold that such measures in the end will prove pecuniarily advantageous, and I may add that, when I proposed certain reductions, it was in reply to questions based upon the assumption that the reduction of appropriations was inevitable. What I said yesterday about the reduction or abolition of certain minor grades, as recommended by the Secretary of War, I think can be carried out, as then recommended by him, without injury to the service, and to the saving of about \$350,000 a year. The system of recruiting proposed by me yesterday is to be understood as proposed as an experiment, to be carried out under the direction of the Adjutant-General as superintendent of the general recruiting service, and as an experiment. The economy expected from it is in getting a better class of men; in having duty done better, and in having fewer desertions, rather than in any immediate saving of outlay.

Mr. ALBRIGHT. From your knowledge of this country and of the number of troops that we have, and of the various details and posts which they occupy, is it your judgment that it would be a safe and prudent step to reduce the Army?

General HARDIE. I reply that any considerable reduction of the Army would be attended with risk of injury to the public interests.

Mr. ALBRIGHT. In the Pay Department, the Commissary Department, and the Quartermaster's Department you would make promotions from the line?

General HARDIE. After rounding the corps off to a reasonable strength, I would open them to details from the line to supplement the want of strength of the corps.

Mr. ALBRIGHT. And the same you would do with reference to the Ordnance Department, from the artillery?

General HARDIE. Yes. The details proposed to the Ordnance Corps you will observe apply only to the lower grades. A lieutenant who graduates in the artillery from West Point is certainly fitted to be assigned to an arsenal to do the ordinary ordnance duties there.

Mr. ALBRIGHT. Would these changes be promotive of economy? Would money be saved thereby?

General HARDIE. The amount of money that would be saved thereby

would be equivalent to this: You would save the number of staff officers' salaries who would go to fill up the vacancies lying between the legal strength of the staff corps as they are and the strength you propose to give them. These corps are not now up to their legal strength, however. There are many vacancies.

Mr. ALBRIGHT. It would have a good effect upon the officers themselves!

General HARDIE. It would have no harmful effect upon the corps; and I think it would have a good effect upon the line. It would be gratifying to the line, and it would fortify the staff with the line. The great advantage of the staff corps is that of the accumulation of experience and knowledge in special branches of military business, to be devoted to the disposition of military affairs, both in current administration or ordinary times and when the emergency of war arises. At the breaking out of the war of the rebellion, our efficient staff system provided ample administrative service for the wants of the large body of men suddenly called into existence. An imperfect staff system would have frustrated military success. I ask permission to add that I think it is important that the Army—as an important branch of the public defense, as an institution which can only be raised and brought to a state of high efficiency after long years of labor and of care—should be treated in legislation from a conservative point of view; and trenchant measures are always to be feared, whether as designed to promote economy or to otherwise compass the public advantage. If I were called upon to act as a legislator in the premises, it seems to me that I should very much prefer to leave things as they are rather than to attempt to disturb them.

Mr. HUNTON. How many more staff-officers are there now than there were when the late war began?

General HARDIE. From one-third to one-fourth. Perhaps more or less. I have not the data before me for an exact answer.

Mr. HUNTON. You say that the present staff is necessary in order to organize and put in the field a large army in case of an emergency?

General HARDIE. Yes. And I must remark that we have not only troops for the staff-corps to feed, and supply, and move, and perform all the duties of administration with reference to, but we have those troops distributed all over the country. In the staff-corps, too, are included the engineers who have charge of fortifications, and of river and harbor improvements, light-houses, and works of that kind throughout the country. We have the Ordnance Corps creating the armament and collecting and preserving war material for the Army and the militia of the United States. The general staff has relations to all the military interests of the country, to the whole subject of the national defense as well as to the Army proper.

Mr. HUNTON. When the late war began, notwithstanding the staff was much smaller than it now is, there was great rapidity and efficiency manifested in putting armies into the field.

General HARDIE. Yes, but the staff itself was manifestly too small. The body of experience that it had was diffused rapidly, it is true, among the officers; but I think that the experience of all the officers of both armies, North and South, was that there was a lamentable deficiency of capable staff-officers of the superior grades. There was not an officer, from the Secretary of War to the major-generals commanding the troops, who were charged with the duties of the collecting of bodies of men, and supplying them, disposing of them, and moving them, who did not feel the great deficiency that there was in the higher grades of staff

officers. As the war progressed we got some talented staff-officers from the volunteer service, and we have some of them now in the service—some of the best officers we have. The military interests, too, are more extended now than before the war. We have more posts established than we had before the war. We are occupying certain tracts of Indian country more thoroughly than we did before.

Mr. MACDOUGALL. How many chaplains are there in the Army?

General HARDIE. There are thirty post chaplains and four regimental chaplains of colored troops, though I suppose there are some vacancies.

Mr. MACDOUGALL. What, in your judgment, is their general usefulness in the Army? What benefit are they to the service?

General HARDIE. I am under the impression that it would be a benefit to the public service to let the chaplaincies die out, either by retirement, or resignation, or death of present incumbents, and to appoint no more. I believe they are of no important benefit to the service. Chaplains under the old army regulations ought to be schoolmasters, but they do not teach school. If there is any soul in the world benefited by the religious ministrations of any clergyman of any creed, that is so much good done, it is true. But I am willing myself to pay my share for the support of the clergyman who attends to me and my family. Chaplains are not habitually of the same creed as the majority of the garrison. Sometimes it is difficult to muster a congregation of any size. Even with the greatest desire to do good, they are frequently powerless. Now and then one is of service, but the case is exceptional. As it is in general, the chaplaincy is a service of religious comfort to only a few in each garrison, leaving the majority unprovided for.

Mr. MACDOUGALL. A large portion of the non-commissioned officers and soldiers of the regular Army are Catholics, are they not?

General HARDIE. A fair majority of those who care for church at all go to the Catholic church.

Mr. MACDOUGALL. Those chaplains are pious, good men, are they not?

General HARDIE. Yes; they are good men so far as I know them.

Mr. MACDOUGALL. As a question of national policy, would the public interest be promoted to transferring the management of Indian Affairs to the War Department?

General HARDIE. The transfer of the Indian Bureau to the War Department would bring to us an accumulation of disagreeable difficulties, and I think is an inheritance we might well wish to decline. All officers connected with Indian affairs are open to suspicion and attack, and labor connected with that department, no matter how well performed, goes frequently without thanks. On the score of economy I must say, that when the Indian Bureau was under the control of the Secretary of War, and when its functions were exercised by military officers, as was the case some thirty years ago, the funds and property of the Indian Bureau were, as a rule, fairly and honestly managed, and the Indians were taught to view the Army as their friend. The advice and orders of officers controlling the Indians, as they could always exhibit the means of punishment in case of disobedience, were much more faithfully carried out. The man of peace who talks to the Indians must incline them toward him by presents or by promises. The Government agent who has the means of punishment visibly with him has no need to pursue anything but a straightforward course. He tells the Indian if he will be good, such and such will happen to him; whereas, if he disobeys, he will be punished. The mode of dealing, therefore, with the Indians becomes simplified. I believe in the reservation system under

the control of military officers, with garrisons adjusted to the size of the reservations and the circumstances; officers should have authority to keep intruders from the reservation, to maintain peace thereon among the Indians themselves, and to keep them from going off to make raids. They should give encouragement to the Indians when on the reservations, by holding out to them the inducements of possessing property, and of attaining the circumstances of civilized persons in the course of time, giving them a few agricultural implements, teaching them to work, and giving them some stock to tie them gradually to the land. They should punish them when they go off, and treat them philanthropically at all times. In case of failure of their crops, or in case of any circumstances through which they may be reduced to hunger, the officers should see that they do not suffer. Then, with schools for the children, and keeping at a distance all means of dissipation, I should leave the rest to time, to civilize as many as possible. As for any demoralizing results from the presence of the troops on the reservation, I think that no great danger is to be feared with proper care on the part of the military officers. While there are some chances of the vices of intemperance and unchastity prevailing, as there will be, when there are aggregations of human beings, pretty much everywhere, the restraints of the military system carried out under good officers, ought to reduce these evils to a minimum.

Mr. ALBRIGHT. Please to narrate the incidents of your journey to Fort Sill, and the statement of the Indian superintendent there as to the proper course of action to be pursued with the Kiowas, and as to the policy of the Government; and also state your views as to the necessity of troops in that region of country and in all parts of the Indian country that you have seen.

General HARDY. When I was at Fort Sill, I think three summers ago, (perhaps two,) on a visit of inspection, the Kiowas were all then out from their reservation, on what amounted to the war-path. I called for information on Mr. Tatem, the Indian agent there, who is a member of the Society of Friends, and whom I found to be an intelligent and agreeable gentleman, as well a valuable public servant. I found he had a soldier-guard at his residence, some half a mile from the post. He told me that the Kiowas ought to be punished, and that that was the only way to deal with them. He said, further, that our policy of dealing with bad Indians was a sort of premium for the doing of evil on their part. The good Indians, he said, complained that we would go and meet bad Indians, who had been off committing depredations, and give them presents if they would promise not to do so any more, while they, the good Indians, got nothing at all. He was decidedly right in his views. I feel confident that among those Indians, as well as among the Missouri River Sioux, and other Indians, that without the presence of troops the Indian agencies would have been broken up by the Indians and the employés murdered.

WASHINGTON, D. C., *January 24, 1874.*

Maj. Gen. IRVIN McDOWELL appeared before the committee in response to its invitation.

The CHAIRMAN. State what commands you have had within the last five years.

General McDOWELL. The Department of the East and the Division of the South.

The CHAIRMAN. When did your command of the Department of the East begin?

General McDOWELL. In July, 1868.

The CHAIRMAN. What command have you had previous to that?

General McDOWELL. I commanded the Fourth Military District, comprising the States of Mississippi and Arkansas, headquarters at Vicksburgh.

The CHAIRMAN. How long did you hold that command?

General McDOWELL. A few weeks.

The CHAIRMAN. What command had you before that?

General McDOWELL. The Department of the Pacific, including all the Pacific coast back to Arizona, Nevada, and Utah, and the Department of California.

The CHAIRMAN. How long did you command there?

General McDOWELL. Four years.

The CHAIRMAN. In view of a reduction of the military establishment state to the committee how, in your opinion, what reduction should be made—whether in men or in organizations; and, if in organizations, whether in artillery, infantry, or cavalry, or whether in the staff or the line?

General McDOWELL. I am not prepared to give an answer to that question. I should not like to commit myself on paper to so comprehensive a question without more time, and more fully digesting it.

The CHAIRMAN. Can you state the limits of your present command?

General McDOWELL. My present command embraces all the Southern States, so called, except Maryland, Virginia, Texas, and Missonri—that is to say, it embraces North and South Carolina, Kentucky, Georgia, Mississippi, Alabama, Arkansas, Louisiana, and Florida.

The CHAIRMAN. State the military necessity, if any, of keeping troops in that region.

General McDOWELL. I wish the committee would refer to my annual report, in which a very good answer to that question will be found; that is to say, the committee will find there what has been done in my command within the past year, to what extent the troops have been employed, and for what purposes. The Division of the South has been reduced by one regiment of cavalry and one regiment of infantry within the last year.

The CHAIRMAN. Can you state the number of troops now in the Division of the South and of the Gulf?

General McDOWELL. In the whole Division of the South there are 2,991 enlisted men; the aggregate, of officers and men, is 3,223.

The CHAIRMAN. What number of those are in the Department of the South?

General McDOWELL. Two thousand one hundred and ninety-two men.

The CHAIRMAN. And how many in the Department of the Gulf?

General McDOWELL. One thousand and thirty-one men.

The CHAIRMAN. State on what duties those men are mainly employed.

General McDOWELL. The artillery is partly engaged in the usual normal duty of artillery, on the sea-coast fortifications and the light batteries; and partly, together with the infantry, at stations in the several States for the purpose of aiding the United States civil authorities in the enforcement of United States laws.

The CHAIRMAN. State what the troops are doing in Kentucky?

General McDOWELL. The last part of my answer will apply to the

troops in Kentucky. At this moment there is a portion of those troops acting under the United States marshal, serving writs which he declares he cannot serve without the aid of military force. There are but three companies in the State of Kentucky—a mere police force. One company is stationed at Lancaster, one at Lebanon, and one at Frankfort. They are stationed at those places chiefly because the troops are better provided for there than they would be elsewhere. In the case of Lancaster, the troops were sent and are kept there at the earnest entreaty of its citizens, on account of the disturbed state of the country. I went to Lancaster to see if that post could not be broken up and a post established at Nicholasville, where the people were making earnest applications for one; but those at Lancaster begged the post should not be removed as the moral effect of the presence of the military there was of great consequence to the peace of the country. The same argument had been advanced for Nicholasville, but, as the two places were close together, I decided to make no change, on account of the expense involved in doing so, and because there seemed to be an equal balance in the demands of the two places.

The CHAIRMAN. What number of troops are there in Tennessee?

General McDOWELL. Four companies; one at Humboldt, one at Chattanooga, and two at Nashville; they are employed in the same way and for the same purposes as the troops in Kentucky.

The CHAIRMAN. What troops have you in North Carolina?

General McDOWELL. Leaving out the companies on the coast defenses, there are three at Raleigh, where they have been employed in assisting the United States internal-revenue officers. I broke up one of the stations in North Carolina, a short time ago, and took the troops down to Charleston.

The CHAIRMAN. What troops have you in South Carolina?

General McDOWELL. Besides three companies at Charleston—one of them a light battery—there are six or eight companies at Columbia, one at Yorkville, and one at Newberry. On my last inspection I broke up a number of small posts in South Carolina, both because of the withdrawal of the cavalry sent to the Indian country and because I thought it might be done with safety, and with the object of diminishing the cost of maintaining the troops retained in the State. Yorkville was represented to me as a very disturbed place, having been the center of Ku-klux operations, and the military force was represented as being necessary there for some time to come, on account of the feeling that had been excited by the condition of a large number of persons in that vicinity. I was begged not to disturb that post, because of the good effect, morally, which it had on that community. The same remarks apply to a certain extent to the post at Newberry.

The CHAIRMAN. Is there a feeling of apprehension of disturbances by the Ku-klux in that region?

General McDOWELL. I don't think there is any general feeling now; but I think, if you will ask the two parties down south, they will concur in one thing, (and that more, perhaps, because of its moral effect than of any physical force that could be exercised,) that the presence of a small force there is of great benefit to the peace, and quiet, and prosperity of the country. I think that both parties will agree in that. The ignorant poor whites, as they are called, have a feeling of hostility against the blacks, and the other whites have a feeling of distrust and disgust of the political action of the masses of the blacks, particularly in South Carolina and Louisiana. In South Carolina the colored element is pre-dominant. It has complete control of the State, and of its principal

city, Charleston; the limits of that city having been extended, I am told, many miles into the country, so as to give the colored population complete control of the city as well as the State. The State taxation is excessive, and there is a strong feeling, on the part of persons who own property, against the State government, and this condition of affairs produces considerable uneasiness throughout the community, both on the part of the blacks with respect to the whites in the upper districts, and upon the part of the whites of the blacks in the lower country. In Florida there are only three stations; the one at Key West, which is an important post, a naval station and a naval depot, and is a post by which the large bulk of the commerce that comes out of the Mississippi River and from Texas goes. It is a post of importance. The post at Dry Tortugas I wish had never been constructed. It was proposed at a time when we had only sailing-ships, and it was supposed, at that time, to be a point of very great necessity, to be occupied for the protection of the commerce to which I have referred. It was not, however, intended, as I am told, to begin that fortification until the fortifications of the first and second classes in importance had been completed; but I have been told by a person, formerly a Senator from Florida, that he had procured an appropriation and urged the commencement of that work out of the order in which it had been placed by the Engineer Department. The work stands up right out of the middle of the ocean, protecting nothing but a harbor, sixty or seventy miles from land. The place is unhealthy, and we had to abandon it last year; but it is important in this respect, now that it is built, that if an enemy were to take hold of it it would be a thorn in our side as Gibraltar is a thorn in the side of Spain. If we could adopt the heroic treatment, the best thing we could do with it would be to pull it up from its foundations and throw it into the Gulf; but so long as we keep it, we have to keep a garrison in it. I look upon it as a very great misfortune to have it, but I don't think we will be able to persuade the country now to take such a measure as I have suggested and discontinue it altogether.

The CHAIRMAN. How much money has been expended on it?

General McDOWELL. I do not know; but it is a very large sum, and it will cost a great deal to keep it up.

Mr. ALBRIGHT. How much land is there around the fort?

General McDOWELL. But little more than the fort covers. The fort comes right up out of the water. It commands a good safe harbor, made by reefs which do not come to the surface except at one place. It is a harbor of refuge. The fort is a thing we do not need at all, but is simply important as a thing which an enemy might take possession of. The other two posts—Pensacola and Saint Augustine—are old posts, occupied by artillery, and have no purpose so far as the enforcement of the law is concerned except incidentally. For example: the troops have been called from Pensacola to go over to New Orleans to reinforce Colonel Emery in preserving the peace in Louisiana. In Georgia we have one post, at Atlanta. That is important in the same way that I have stated as to the posts of North Carolina, Kentucky, &c. In Alabama there is one post, at Huntsville; and one at Mount Vernon barracks. The two companies at Mount Vernon I took up there from Mobile because Mount Vernon is a military post, established in General Jackson's time, on very high, healthy ground, and has a large military reservation and large buildings; and it is the cheapest place at which a military force can be kept in that section of the country. At Huntsville there is one company, which has been used to enforce the processes

of the United States courts. I have now an application—to establish a post in the northern part of Mississippi—on the part of the civil officers there, on account of the great hostility shown to the enforcement of the United States laws. I have declined to establish it on economical considerations; but I sent over last summer, from Huntsville, a party of an officer and twenty men to enforce the laws, and then to return to Huntsville again.

[NOTE.—Since giving the foregoing I learn from the headquarters of the Department of the Gulf that a post has been established at Corinth of one company; Colonel Emery finding it necessary.]

The buildings in Huntsville are upon leased ground. At Atlanta there are large military buildings on leased land, for which lease we pay \$2,900 a year, soon to be \$5,000. The lease will soon expire, and all the buildings will revert to the land-holder, if the Government of the United States is not sufficiently wise to have disposed of them before the lease expires. The lease will expire within two years, I think. I am now going to inspect Augusta arsenal and see if I cannot get the War Department to transfer that post to the Quartermaster's Department, because there are large buildings there which might be made available for the quarters of troops at a small expense.

The CHAIRMAN. State whether you think it advisable for the Government to sell the Augusta arsenal.

General McDOWELL. No, sir; I think the Government should retain it; if not for an arsenal, as barracks and quarters.

The CHAIRMAN. Give your reasons fully.

General McDOWELL. The Government owns at Baton Rouge, at Little Rock, at Augusta and Mount Vernon, (all formerly arsenals,) grounds and buildings of considerable extent, which would sell for but little compared to their cost, and which would be of great use to the Government for the quartering of such troops as it may be necessary to keep in that section of the country. I think the Government will save by keeping this arsenal at Augusta, not as an arsenal, but turning it over to the Quartermaster's Department for troops, as has been done at Little Rock, Baton Rouge, and Mount Vernon.

The CHAIRMAN. State whether or not that real estate is not constantly increasing in value.

General McDOWELL. Undoubtedly it is at Augusta.

The CHAIRMAN. Is the Government really losing anything by retaining this property?

General McDOWELL. Not at all, but I do not want it to be kept as an arsenal.

The CHAIRMAN. Would the expense of keeping these places in repair be large?

General McDOWELL. I am not able to answer that question. I have not seen Augusta arsenal at all. I went down to Mount Vernon barracks last summer, and went over every part of it; and the amount that I asked the Secretary of War to give me to convert the work-shops and store-houses into barracks and quarters was very small. It was about \$30,000. The buildings at all those places are of a permanent character, and the ordinary repairs would be all that would be necessary to keep them up.

Mr. YOUNG. Do the buildings at Atlanta belong to the Government, or are they leased?

General McDOWELL. The buildings belong to the Government, but the land on which they stand is leased at \$10,000 a year. They are frame-buildings and a good deal out of repair. They are intended to

accommodate a whole regiment. The estimate for repairs upon them is very large, and the Quartermaster-General does not sanction it. The buildings have never been painted, and they are gaping open, and leaking, and in a very bad condition. As they are on leased ground, the Quartermaster's Department will not give the amount necessary for repair.

The CHAIRMAN. I suppose the money had better be spent in repairing the buildings at Augusta on the Government's own ground.

General McDOWELL. Undoubtedly; that is what I want.

The CHAIRMAN. The amount of money that you pay for the lease of land at Atlanta would suffice to keep the buildings at Augusta in repair?

General McDOWELL. It would more than do so. The buildings at Augusta are, I am told, very fine. I understand that after Augusta passed into the hands of the confederates, they made large improvements on the arsenal-grounds.

Mr. YOUNG. The property would sell for a large amount of money—for \$100,000 more than it would before the war?

General McDOWELL. It is a valuable property, and it is valuable to the Government. I never yet have seen any such property disposed of by the Government that we did not want to get afterward. I do not want to have the Augusta arsenal sold.

The CHAIRMAN. Is there a military post at Chattanooga?

General McDOWELL. The post at Chattanooga is a temporary frame building, on ground belonging to the United States, on the National Cemetery ground. The post at Nashville is on leased ground, and that at Huntsville is on leased ground.

The CHAIRMAN. What use is there for troops in the neighborhood of Chattanooga?

General McDOWELL. That is near a whisky-distilling district, and your revenues from whisky will be impaired if illicit distillation cannot be kept down. In all that mountainous country there is a rough set of people, and the internal revenue officers will not go up there after them without some military force to sustain them.

The CHAIRMAN. Is there a considerable amount of distillation down there?

General McDOWELL. Yes; I understand that in all that mountainous country, in the upper parts of North Carolina, Georgia, Tennessee, and Kentucky, the country is full of illicit distilleries.

The CHAIRMAN. Please refer to Mississippi and state the military posts there.

General McDOWELL. Mississippi has but one small post, that at Jackson. All the others have been broken up. Last year I abandoned fourteen military posts in the division of the South, some in each State, making a saving of nearly \$200,000 of annual expense. The necessity of the post at Jackson is represented to me by Colonel Emery as great. He says he was unable to meet the demand upon him to establish a post in the northern part of Mississippi, and he called upon me to establish it from troops in the other part of my division. This I declined to do because of the expense attending it.

[NOTE.—Since giving the above Colonel Emery has reported having established a company at Corinth, Mississippi.]

The CHAIRMAN. Please refer to Arkansas, and tell what military posts you have there.

General McDOWELL. There is one company left at Little Rock, Ark.

A regiment was concentrated there from the Department of the South, but it has gone out on the line of the railroad against the Indians.

The CHAIRMAN. Will you state the condition of Louisiana and the troops you have there.

General McDOWELL. Louisiana is in a very disturbed condition. It was so last year and is so still, and I fear it is likely to remain so for some time to come, on account of the reasons which I have before mentioned. The military posts in Louisiana are very much changed during the year—troops being shifted from one place to another, as the necessity for their service may appear to the department commander to require. The permanent posts are the Jackson Barracks, New Orleans, and the barracks at Baton Rouge—both Government barracks, both on Government land, and both permanent in their nature and character. From these two posts the department commander has established various small temporary posts, breaking them up from time to time and bringing the troops back again, or shifting them as the occasion may have required. I think it safe to say that the troops in Louisiana have been of immense public good. It is so recognized, I believe, by all parties. They have been preservers of the peace, and I think that their whole course has been of the most conservative character. As I said in my annual report, “the duty devolved upon officers and men and their commander in the Department of the Gulf during the past year has been of the most delicate, important, and frequently embarrassing kind, and has been discharged with tact, fidelity, and in all cases with effect.”

The CHAIRMAN. Can you state the reasons for keeping this military force there?

General McDOWELL. The reasons grow entirely out of the sequelæ of the war, the reconstruction acts, the condition of the colored race, and the relations which it bears to the other inhabitants of that State, and the fact that the city of New Orleans, with its large commerce, its capital, its connections with the centers of capital and commerce in other parts of the world, has a white population principally, and that the State itself is largely in the hands of colored people, and that these two elements, thus far, have not been harmonious. There has been distrust on one side against the other, and misunderstandings, perhaps largely the result of causes which look away back to the past, and which will take some considerable time in the future before they are all disposed of. It is a philosophical as well as a political question, about which people may differ; but the fact stands that the problem presents very great complications, and of which I do not myself see the solution; and I doubt if any one knows, although he may think he does. I was there last winter, and I am going there now; and I can say that the military force there has been of immense consequence, not for the physical effect which that small handful of men could produce, but for its moral effect. I think this same remark may apply, in a large degree, to the troops all through the South. The number of troops all through that vast region of country is little over three thousand men, so insignificant that it cannot exercise any material physical effect.

The CHAIRMAN. The sea-coast fortifications are occupied by artillery. Can those forts be occupied by a smaller force and kept in a good state of preservation?

General McDOWELL. “Occupation” is the proper term to give it. The fortifications are “occupied,” not “garrisoned.” All the way down there is a very small force at each place.

The CHAIRMAN. In view of a reduction of the Army, cannot a con-

siderable number of those posts be occupied by a smaller force of artillery than at present ?

General McDOWELL. If you look you will see how very few of them are occupied by artillery now ; and that occupation is not any stronger than I think it should be.

The CHAIRMAN. In time of peace, is there really any necessity that these forts should be garrisoned or occupied at all, except by a force sufficient to prevent their being injured by the elements or by intruders ?

General McDOWELL. So far as material injury to the walls and slopes is concerned, I suppose that most of them can be safely left in the hands of the ordnance-sergeant, because in their nature they are of a permanent character, and not likely to suffer much harm.

The CHAIRMAN. Can those troops be withdrawn and stationed elsewhere ?

General McDOWELL. They have been withdrawn in times of pressure and need, but it has been to their great injury as artillerists.

The CHAIRMAN. Are they trained regularly in artillery practice ?

General McDOWELL. Yes ; there are only five batteries of light-artillery in the Army. All the other artillery of the Army are trained to the heavy guns. Now that we have large guns, the management of them requires more skill than used to be required of artillerists. These guns will be useless unless some very effective means are provided for handling them, and unless intelligent men are instructed to make use of those appliances. I do not doubt that it would be better if we could get these artillery companies more together, by breaking up some of the smaller posts.

The CHAIRMAN. Can the men who are detailed for duty in the Engineer and Ordnance Corps take care of those forts without the presence of artillerymen ?

General McDOWELL. I do not doubt that they could. But you would gain nothing by the change. On the contrary, for the engineer and ordnance are paid higher rates than the artillery.

Mr. ALBRIGHT. State whether, from your knowledge of the country and of the Army, there can safely be at this time a reduction of the Army ?

General McDOWELL. I should think that any material reduction would not be wise. I mean any important reduction. I do not say that you might not take off a few men or officers here and there. I suppose you might take all the troops from the South, but I don't know what the result would be.

Mr. ALBRIGHT. That is the question which I submit to your judgment—whether, in your opinion, it would be safe and judicious to reduce the Army ?

General McDOWELL. I can speak more for my own command, of course, than I can for others. I think that the small force in the division (little over three thousand men) is a very small force to be kept in all the Southern States for the objects and purposes which I mentioned.

Mr. YOUNG. Do you not think we might dispose of the Department of Military Justice ?

General McDOWELL. That would be a small economy. We got along before the war without a Department of Military Justice, and I suppose we could get along without it again. It has been of value, undoubtedly, in some respects.

Mr. YOUNG. Do you think it would be wise for the Government to sell the buildings on that ground at Atlanta and remove the troops to Augusta ?

General McDOWELL. Yes; the Government has to do one of two things, either to buy and pay a large price for that land at Atlanta, or sell the buildings before the lease expires.

Mr. YOUNG. You would recommend that the buildings be sold?

General McDOWELL. I certainly would. The owner of that ground might ask two or three hundred thousand dollars, and the Government will not give that price. I think it was a great mistake not to have purchased the land at first.

Mr. YOUNG. How many troops have you there?

General McDOWELL. There is quite a large battalion there—eight companies. I keep them as a reserve, from which I can draw to send wherever required. They can be kept at less cost there than elsewhere in the State. Atlanta occupies a strategical point, from which troops can be sent to any part of the South.

Mr. YOUNG. Atlanta would be one of the best points in the South to keep troops at?

General McDOWELL. Entirely so. I am only sorry that the Government does not own the land there. If the Secretary of War should purchase the land, I would be entirely satisfied; but I see the entire hopelessness of asking an appropriation for that purpose.

Mr. YOUNG. You do not think that the houses there can be removed?

General McDOWELL. Of course they can, if we take time enough beforehand. A year before the lease expires the Government should sell these houses, to be moved off the land, or else buy the land. One of these courses should be taken. We pay \$2,500 a year now, soon to be \$5,100, for the lease of the land. The buildings have not been painted. I have had to shingle them. They are in a wretched state. It is the same way, however, all over the Military Department of the South.

Mr. YOUNG. Do you think that there is any necessity to retain troops in the South on account of a disloyal spirit to the Government?

General McDOWELL. No, I do not think so. I think the people of the South are as little desirous of anything like opposition to the Government of the United States as the people of Massachusetts. I think I would look for secession now as soon in Massachusetts as in any part of the South.

Mr. YOUNG. You would advise the retaining of the Augusta arsenal by all means?

General McDOWELL. I would advise retaining it, and turning it over to the Quartermaster's Department as a station for troops, for I would advise the keeping of the troops in the South for a while longer at least.

The CHAIRMAN. State whether or not, in your opinion, our present fortifications of masonry, which are uncompleted, should be completed, and whether large amounts should be expended in making extensive and expensive fortifications of masonry, or whether we can, in view of the fact that we can rapidly concentrate large bodies of men on important points on the coast, and rely on earth-works and heavy guns, dispense with these elaborate fortifications.

General McDOWELL. I do not think that any nation will ever be ignorant or rash enough to send an army to invade the United States. I do not think there is any need to make provision by fortifications for any such contingency, so long as we remain true to ourselves and united as a nation. Undoubtedly, when our system of fortifications was planned, different views were reasonable and necessary, and different measures had to be provided for then than would be necessary now. The improvements in artillery have also sensibly changed the whole system of fortification. Fort Sumter was built when there was no gun

which could reach it from the mainland. It was not considered possible to make a breach in Fort Pulaski at the distance from which one was actually made in the course of the last war. It was expected that troops might be landed and be able to establish themselves for such a length of time as to enable them to reduce the work by regular approaches from the land side, and provision had to be made for that.

All these considerations and others, which do not at this moment occur to me, have caused a very radical change to be made in the whole character of our sea coast fortifications, and I believe that such a change is fully recognized, fully appreciated, and will be fully met by the officers of the Engineer Corps. I think that, most likely, the principle that masonry should be protected from the fire of artillery at a distance, will come to be applied to sea-coast fortification, as it has been to those intended to resist the approaches of troops and artillery by land. This will, of course, to a large extent, answer your question, because the fortifications of masonry which may hereafter be built will most likely be protected by glacis of earth or sand thrown up in front of them. Another reason for a change will be in the long range of artillery, which renders it unnecessary to occupy *only* a very restricted site to command the narrowest part of the channel.

THE CHAIRMAN. In view of this condition of affairs, what works of defense do you think it advisable for us to construct?

General McDOWELL. I think that wherever we have a harbor which an enemy would be apt to make use of, either for the purpose of destroying our commerce or of breaking up a naval establishment, it would be desirable that some permanent works, of such a kind as the conditions which I before mentioned have made necessary, should be erected, for the reason that these works free our force afloat to be used against the enemy offensively, and that earth-works and heavy guns are a cheaper defense than anything which can be put afloat, and cost less to keep them up after they are once made.

THE CHAIRMAN. In view of the fact, then, that an enemy can float large guns and attack our great sea-coast cities and naval and commercial depots, would you or not construct expensive fortifications at points of this kind?

General McDOWELL. I would; and I think that such is, and has been, the policy of the Engineer Department.

THE CHAIRMAN. What would you say as to Fort Foote, on the Potomac?

General McDOWELL. I do not see the great value of Fort Foote, except that it and Fort Washington seem to have reference to the defense of the capital of the country. That fact may have a bearing which it would be well to take into account; also the fact that there is a naval establishment here.

THE CHAIRMAN. What would you say about Fort Moultrie?

General McDOWELL. There is nothing there now.

THE CHAIRMAN. What about Fort Sumter?

General McDOWELL. It and a work at Moultrie would protect Charleston, and Charleston is an important commercial point.

THE CHAIRMAN. What about Fort Jackson, on the Mississippi?

General McDOWELL. I think there should be some fortification at the mouth of the Mississippi. A large part of our export commerce goes out there.

THE CHAIRMAN. What about Portsmouth Harbor, New Hampshire?

General McDOWELL. There is a large naval establishment to be protected at that place.

The CHAIRMAN. What about San Diego, Cal.?

General McDOWELL. San Diego is of no sort of consequence *now*. Whether it may be hereafter I cannot say. It is a most beautiful harbor, with a very small, poor back country. If a railroad should come to it, and if the place should grow to be of importance, I should say that it would be well to have a fortification at San Diego.

The CHAIRMAN. What can you tell us about the new system of torpedoes?

General McDOWELL. I take a great deal of interest in it, though it was never under my command or control. I think that our officers in charge of the subject at Willet's Point are fully up to the advanced state of knowledge on that subject.

The CHAIRMAN. Are the improvements in torpedoes of such a character as that they are likely to afford an important branch of harbor-defense?

General McDOWELL. A very important branch.

The CHAIRMAN. Have you had the Department of the Lakes under your command?

General McDOWELL. No; but my Department (the Department of the East) extended from Buffalo around by Lake Ontario and Lake Champlain.

The CHAIRMAN. What has been the military necessity and importance of having troops stationed along that border?

General McDOWELL. It has been made necessary by reason of our relations with England, and by the disturbed condition of Ireland, which affected people of Irish descent in this country, who tried to involve us in difficulties with England by making inroads into Canada. When I had command of the Department of the East we had great need of these posts on that northern frontier. They are necessary with regard to keeping our good faith with Great Britain on that frontier. England keeps no force whatever in Canada; no imperial troops, not even at Quebec. There are, I believe, some Canadian troops. There are no British troops in North America except at Halifax, which the English are fortifying and making very strong as an imperial naval station for the North Atlantic coast.

The CHAIRMAN. Please to give the committee your opinion on the establishment of a military prison and military punishment.

General McDOWELL. There is a law now providing for one military prison at Rock Island, Ill. I have the impression that that measure was the result of some steps which I took when commanding the Department of the East, for the improvement of the discipline and treatment of soldiers under sentence of court-martial. I had been to Canada and had seen the military-prison system of the English. I found it several centuries in advance of our own. I was so much struck by it that I asked the Secretary of War to send a party of officers on there to look at it, so that persons of different temperament and disposition might give their opinions concerning its value and the possibility of adopting some of its features for our own country. That was done, and the report was sent by the Secretary of War to Congress, and I think the result of that is the military prison at Rock Island. As I take a great interest in that question, I wish to state to the committee that a military-prison system, such as is provided for in that bill, would simply be a useless expense to the Government, and is what I should regret excessively to see carried out.

The CHAIRMAN. Please to state your reasons.

General McDOWELL. Men who are convicted by military courts for

offenses which are crimes at common law, such as theft, robbery, violence to the person, arson, or whatever other offense would be designated as a felony, should be sent to the nearest *State* penitentiary, after having been dishonorably discharged from the Army, and should take the same course as convicts sent by civil courts. There should be no difference in their status. But men convicted of conduct to the prejudice of good order and military discipline—mere infractions of military rules, or offenses purely military—should never be sent to a penitentiary. What I want to see established in our service is not a penitentiary, but a system which will apply to the whole service at all its posts. One central prison at Rock Island answers no such purpose. To have to send men from Texas, from Arizona, from the Indian country, as convicts, with an escort of a non-commissioned officer and a few privates, would involve a great expense. At one time we had something analogous to that in New York Harbor. Men were sent from all the posts in New York for punishment. I took occasion to have a list made out of the persons who had to be tried by court-martial for offenses growing out of that system—for neglect on the part of the sergeants, or for drunkenness and other offenses on the part of the men—growing out of the fact of small detachments being separated from their officers and sent long distances without supervision, and it made a very large list of such offenses. What I would like to see done would be to have some provision made by which men under sentence of court-martial for purely military offenses should be punished severely, but not in a way to degrade them, but punished in such a way that they might be reformed and returned to the ranks rather than be degraded *and sent out of the Army*.

The CHAIRMAN. How can prisons be provided at the different posts of the Army without great expense?

General McDOWELL. The military prison at Halifax consists of inexpensive frame buildings, which have been standing for more than half a century. It is simply the *system* which they adopt, not the building, that is desirable. Of course it would be better to have a building. But for the punishment of soldiers for a few months it will not pay to send them a distance of several hundred or thousand miles to a central prison, to be sent back the same distance when their period of imprisonment ends.

The CHAIRMAN. If we have some 400 or 500 prisoners having an average term of imprisonment of four years, would it not pay?

General McDOWELL. I do not think we should have soldiers sentenced to imprisonment for an average term of four years. I think the punishment we give soldiers is frequently cruel in the extreme.

The CHAIRMAN. Would it not be better, in a moral point of view, to have soldiers confined in a separate or military prison than in State penitentiaries?

General McDOWELL. In the first place there is a law of Congress prohibiting soldiers from being put in a penitentiary for a military offense.

The CHAIRMAN. But are they not sent to the ordinary State prisons?

General McDOWELL. They have been sent there *illegally*. I took out all that I found in the Baton Rouge penitentiary, because the law of Congress says that no soldier shall be confined in a State penitentiary for a purely military offense.

The CHAIRMAN. Are there not a large number of soldiers in State prisons in the North?

General McDOWELL. Yes; but if they are there for a purely military offense, they are there against the law; and any person who will take

the trouble to have a *habeas corpus* served can have them discharged from these State prisons.

The CHAIRMAN. Where would they be put ?

General McDOWELL. At the guard-houses at the different posts ; I have a military prison at Fort Macon, N. C., one of those sea-coast forts.

The CHAIRMAN. What are the prisoners engaged at ?

General McDOWELL. Nothing but the ordinary fatigue-work of the post.

The CHAIRMAN. Would it not be better to have a prison, where they can be made useful and have work to perform regularly ?

General McDOWELL. If the system I advocate were established throughout the Army it would not be necessary to transport military prisoners all over the country ; and they would all be kept occupied, as you may see from the report, sent in by the Secretary of War, of the board of officers sent to Canada.

The CHAIRMAN. In view of the fact that the stations of the Army are changing, and that Rock Island and Fort Leavenworth are in the department where the largest number of troops are stationed, and are likely to be stationed, would it not be better to have a considerable military prison provided there ?

General McDOWELL. No ; because that would require military prisoners to be sent from Texas or other distant points, with escorts, and involve very great expense.

The CHAIRMAN. Would it not be more expensive to have a prison established at every post ?

General McDOWELL. No ; because at every post there is a guard-house now ; and military prisons, of an inexpensive character, could be established at most of the principal posts.

The CHAIRMAN. Are not prisoners confined there without working ? Can you have any proper system of imprisonment at posts, especially small ones ?

General McDOWELL. Yes ; you can have such a system as the English have, and with them every guard-house is a military prison. The system does not, of course, work as well at a small post as at a large one, and it might be well to send the prisoners from such posts to the nearest large one.

The CHAIRMAN. If a soldier is sentenced to two or three years' imprisonment, would it not be much cheaper even to transport him a few hundred miles and place him in a large prison than keep him under guard at a post ?

General McDOWELL. The only question is to have such a system as that men can be properly punished and avoid at the same time the disgrace which attaches to the present system, as well as to the one established by Congress, and I want a system which can apply to the whole service, and to men sentenced for a few months as well as to those for several years ; where soldiers shall be punished as soldiers, not as convicts.

The CHAIRMAN. State whether or not, if the Army is to be reduced, it should be reduced by organizations, or in the number of men ; and whether the staff shall be reduced to compare with the reduction in the line.

General McDOWELL. The staff now is asserted to be larger than the needs of the present establishment call for, and there is provision in the present laws for the gradual shrinking of the staff. Congress has shrunk the Pay Department below the needs of the service and is now asked to

increase it; and I would suggest that, if the point be made good, that more paymasters are needed, instead of any officers being added to the Army because of such an increase to the Pay Department, the paymasters be taken from the majors in the Commissary and Quartermaster's Departments, relieving the numbers in those Departments to that extent. I understand that there are forty-four paymasters, and Congress is asked to allow fifty. As to the general question of reduction of the Army, I would first try to keep the frame-work of organizations intact as long as I could. When they get below any reasonable point I would abandon a company or two companies in each regiment rather than break up the organization itself, because in the future we may want to increase it, and it can be better increased by adding more men to a company and then one or a couple of companies to the regiment, than by making a new regiment. There is one body of soldiers that I think might be dispensed with; that is the body that you allow to the ordnance. I do not see that they do perform any particular military service that is essential.

The CHAIRMAN. What would you say as to a reduction of the engineer battalion at Willet's Point?

General McDOWELL. I think well of the engineer battalion.

The CHAIRMAN. Do you think it can be diminished advantageously?

General McDOWELL. I do not know that it can. I would not like to see that battalion dispensed with. It is a small nucleus, and I think it desirable to have it as a part of our permanent military organization. Whether it might not be reduced I am not prepared to say. I should keep up at least three companies of it, one at West Point and two at Willet's Point; and these companies might number less than they do now.

The CHAIRMAN. Do you think the number of men engaged in the recruiting service can be reduced?

General McDOWELL. I think the permanent party is unnecessarily large. There is a battalion of men on Governor's Island, for no purpose that I regard as necessary to the recruiting service at all. It is kept as a garrison for permanent work, which garrison should be supplied by the artillery. There are nearly two hundred picked men kept there and charged to the recruiting service, and used simply as soldiers.

The CHAIRMAN. Can they be entirely dispensed with?

General McDOWELL. Undoubtedly they can. I think that the garrison there should be furnished by the artillery. You may not diminish the number of music-boys; they are being instructed; but these large permanent recruits, constituting a large body of some two hundred men at Governor's Island, and more at the other depots, unassigned to any regiment, should be abolished or reduced to one-fourth of their present number.

The CHAIRMAN. What would you say as to the general-service men on duty in the War Department?

General McDOWELL. I know nothing about them.

The CHAIRMAN. Can the force of detailed men in the Ordnance Department be reduced?

General McDOWELL. I do not really see what the four hundred and thirty men detailed there are for. If they are used as workmen and mechanics, then I think they should be discharged from the Army and employed as mechanics or others from civil life, and their cost charged to the ordnance appropriation, and not to the Army. If they are to be used as guards, then I have to say that I do not think they are necessary any more than guards would be at private establishments for small arms, or for the United States Mint or the Treasury. I have, at times,

had the duty of guarding the mint and sub-treasury at San Francisco and New York, and I have drawn troops for that purpose. I know, too, that at times and at places some of these four hundred and thirty men have been employed as bands of musicians.

Mr. YOUNG. If the Army is to be reduced, do you think it can be best reduced by suspending the recruiting service in part or wholly?

General McDOWELL. Yes, it will shrink fast enough then, there is no doubt about that. They have stopped recruiting now, and the Army will soon be down to 25,000 men. The detachment at West Point is needed, because all the machinery there is carried on by these men and carried on very cheaply; but I think that the number of two hundred and fourteen is perhaps more than is necessary. They are, I understand, making improvements at West Point; for instance making a road up the river to Newburgh; and that is where the Army is charged with something that does not belong to its effective force.

The CHAIRMAN. What would you say as to a reduction in the Signal Service?

General McDOWELL. That is a matter of great interest all over the country, but it does not belong to the Army, and the Army should not have charged against it a regiment of men used for that purpose. It is a matter of such general and universal interest that it might very fairly be credited to us rather than debited to us.

Mr. ALBRIGHT. It instructs the Signal Service as well as takes weather reports?

General McDOWELL. Yes; but that is a small part of its duties. You would not want four hundred and fifty men for the purpose of teaching Signal Service.

Mr. ALBRIGHT. Can any other department of the Government do this work better or cheaper than the Army?

General McDOWELL. I do not think so.

Mr. ALBRIGHT. By whatever department it costs the least to the Government, that is the department I want it to have carried on by.

General McDOWELL. I am perfectly willing that it should be carried on by the Army, but what I say is that it should not be charged to the Army, as part of its effective force.

The CHAIRMAN. What have you got to say about hospital stewards?

General McDOWELL. I am told there is a quantity of them in Washington; I do not understand why. We need one for each military station.

Mr. ALBRIGHT. Can any of those ordnance-sergeants be dispensed with?

General McDOWELL. O, no. There is one only at every military post; and the position is the future and hope of old non-commissioned officers. They want to land as an ordnance sergeant, and end the rest of their days in that position. I would not touch any of those men. Many of them have very heavy responsibilities.

The CHAIRMAN. In view of the fact that the reduction of the Army last year by the various casualties of the service was about 16,000 men and 83 officers, would you say that it is possible and practicable to reduce the number of organizations and to assign the officers of the regiments disbanded to duty in other regiments, and thereby lessen the expense?

General McDOWELL. Of course that can be done.

The CHAIRMAN. Is that plan available and practicable?

General McDOWELL. Certainly it is practicable.

The CHAIRMAN. How would you assign these officers to duty?

General McDOWELL. The practice would be to discontinue a certain regiment and transfer the officers of each grade *à la suite*, as they do in the French service, to other regiments—distribute the captains, for instance, among other regiments to take the place of officers who may be on any permanent detached duty, (for example, at West Point,) until such time as vacancies occur in any regiments of that arm of the service, when these officers should take those vacancies.

The CHAIRMAN. Would that system work harmoniously; and has it been the practice in great military governments?

General McDOWELL. I understand that it has been the practice of other governments, when regiments have been disbanded, and it is not desired to cut off the career of a man who has embarked his life in it, to put him as an additional officer in the regiment of the same arm according to his rank, and then the junior officers of that particular grade in that particular arm remain as additional officers until some vacancies happen by death, resignation, or otherwise, and thus by the principle of absorption these additional officers are finally reduced to the number fixed for the organization.

The CHAIRMAN. In your judgment, if the Army is to be reduced, it would be more just and advisable to do it in that way than to break up organizations and muster out officers?

General McDOWELL. I would have an infantry regiment, after reducing the men in each company to the minimum, to consist of eight companies, rather than of ten; but if you have to come below that, I would take off a regiment.

The CHAIRMAN. Would it be practicable and possible to dispense with the extra lieutenants who are now employed as adjutants and quartermasters of regiments?

General McDOWELL. That has been done in the olden time. These officers were not then extra, but were officers of companies detached from their companies to take those places.

The CHAIRMAN. Do you think there are enough of officers in the regiments to go back to that system?

General McDOWELL. I think it might be done.

The CHAIRMAN. Would it be of such advantage as to justify the change?

General McDOWELL. If you wish to reduce the Army, that would be a form of reduction, as far as it goes, which would be as little disturbing to the military organization as any one you can adopt.

Mr. ALBRIGHT. If a reduction of the Army shall become necessary, and if a surplus of officers is to be caused thereby, would it not be well to shut up West Point for a couple of years, and save the annual expense of two or three hundred thousand dollars for that institution?

General McDOWELL. After you shall have disposed of all the general officers, and the Secretary of War, and abolished the military establishment itself, then West Point should still be kept up and attached to the Department of the Interior, or the Department of State, or the Department of Justice! I might be willing to see you dispense with all major-generals and brigadier-generals, but the last thing to be given up is that institution. You cannot dispense with it.

Mr. ALBRIGHT. According to this theory, you have already a surplus of officers in the Army, and yet you turn out from West Point two hundred second lieutenants every three years.

General McDOWELL. Take the average of West Point commissions, and they may not amount to one hundred a year.

Mr. ALBRIGHT. But they will amount to more now, since the representation in Congress is increased.

General McDOWELL. I think that the economy from shutting up West Point would not be much. I recollect West Point when the Army was not more than six thousand men, and yet we never got to the point when there were not places for all the officers who graduated there. The supernumerary officers that would be likely to remain in the Army would be those men that have passed the larger part of their lives in the service. The vacancies that are likely to happen will happen mostly in the junior grades, by the retirement of young men who will seek other careers in life. Therefore, you will have supernumerary captains and supernumerary majors, while you will have vacancies in the grades of first and second lieutenants.

The CHAIRMAN. Would it not rather be the true economy to reduce the Army and increase the capacity of our military school, thus furnishing the country with educated men fit to take command of troops in time of war?

General McDOWELL. I think the last thing to be given up is the Military Academy. I think the Army is now small for what it is expected to do.

The CHAIRMAN. Is not the present capacity of the Academy much greater than the supply of students? Could not a hundred more students be accommodated at the same general expense?

General McDOWELL. Yes; and commissions might then be given to West Point graduates as a reward for the highest merit and the rest return to civil life. That was once contemplated. The idea was not to give commissions to everybody who graduated at West Point, but only to the most distinguished. Thus West Point would have two purposes—a national polytechnic, and a military school.

Mr. GUNCKEL. If you did not fill the annual vacancies of eighty-three officers for one year, would not that check this superabundance of officers that would result from the mustering out of men?

General McDOWELL. Undoubtedly it would; but I presume you do not want to stop the whole machine, and therefore I do not see myself how you can well keep up West Point by stopping it for a couple of years. It is difficult for me to conceive how you can stop it and begin it again, without too much violence to the whole establishment. I would very much prefer to let it go on, and to commission only a portion of the higher graduates, if such a course should become necessary.

Mr. ALBRIGHT. But you see that the expense is going on all the time!

General McDOWELL. Yes; but I take it for granted you do not intend to save money at the expense of an establishment which you keep up under the idea that there is some necessity for it. You can save money by disbanding the whole Army; there is no doubt about that. But you want to do something else beside save money. If you stop the recruiting service until you get your thirty thousand men reduced to five thousand, you will save money at once.

Mr. ALBRIGHT. The only question then is, whether you would endanger the safety of the country by that process, and, by and by, have to expend more money than you have saved.

General McDOWELL. That is exactly what we think; but we are not perhaps good judges, because we are regarded as parties interested. Our judgment is against it, but an element comes in against our judgment because the Army is our profession, our future, and, therefore, we are interested parties. We are competent judges, but we are not disinterested ones in every respect.

Mr. ALBRIGHT. You are experts, however?

General McDOWELL. Yes; but we are experts who have an interest in the case.

Mr. GUNCKEL. State whether, in the reduction of the number of officers, you would do it by making no more appointments, or simply by making no more promotions.

General McDOWELL. I would make no more promotions till the surplus officers in each grade should be absorbed; but I would make appointments at the foot of the list, if vacancies occur in that grade.

The CHAIRMAN. State whether you have looked at the new system of Army Regulations reported to Congress, and, if so, please give to the committee your views in relation to them as fully as you can.

General McDOWELL. I have just had a copy of these regulations put in my hands for the first time. I have not had the time to look over them carefully, but already see grave reasons for not adopting them. The Secretary of War, in submitting them, points out the harm that would result from having such a mass of details fixed by law, without power anywhere short of an act of Congress, to make the changes which experience may indicate. Most unquestionably, much of what is laid down in these regulations is beneath the dignity of congressional action or sanction, and should be left to the Secretary of War and the General of the Army. It certainly could never have been intended that Congress should descend to the details of a purely technical character with which these regulations are filled. The Secretary concludes his letter of transmittal with an earnest recommendation that if Congress formally approves of these regulations, "*they be made subject to such alterations as the President may from time to time adopt.*" This goes too far the other way. With many purely technical details, these regulations also embrace the fundamental principles on which the entire military establishment of the nation rests. Precisely those "rules and regulations for the government of the land * * * forces," which it is the constitutional duty of Congress to establish, and which it is the interest of all, those in as well as those out of the Army, that Congress and not the Executive should establish. The more so as they should, as one of their main features, direct and limit the course of the President himself, in the exercise of his authority as commander-in-chief of the Army. And they should be for the Army what the Constitution is for the country, something not lightly nor easily changed.

It is said these regulations are "merely in aid or complement to the statutes and define and prescribe the details for carrying on the routine work of the Army." But on a mere casual examination I find radical changes made in existing laws. "*The rules and articles for the government of the Armies of the United States,*" established by act of Congress, are revised, and many of those now in force are abolished and many new ones created. (See pp. 204 to 213.) Twenty of the new articles, or of additions and changes made to the old ones, contain provisions not sanctioned by existing laws. In fact, it amounts to a revision of the entire military criminal code, sometimes judicious, but in some instances crude and severe. See, for an example, new article 51, p. 209, which provides that "any person in the land forces who shall steal, embezzle, * * * shall be punished by imprisonment for a term of not less than one nor more than ten years, or, by fine of not more than the amount embezzled nor less than one thousand dollars, or both." * * *

A soldier may steal a can of tomatoes or a few pounds of sugar from the commissary, yet he must be imprisoned at least one year, when two months would be an adequate punishment. And in the matter of fine

it does not seem to have been supposed possible to embezzle less than one thousand dollars. Yet, I have recently had two cases, each of less than that sum.

New article 42, pp. 208 and 209, fixes the minimum amount of punishment for desertion at four times that given in the British, German, or French armies, and makes it obligatory on the court to dishonorably discharge the man from the Army. This is both harsh and unwise. I have had repeated instances of men sentenced to be dishonorably discharged, whom I have retained by remitting this portion of their sentence, and whose officers have subsequently asked to have them restored to duty, because of their good conduct. It is a mistake, both as regards the offender and as regards society, to act on the supposition that a man convicted of simple desertion has committed the unpardonable crime, and must be cut off from the military service—never to return to it. This code ignores utterly any such thing as repentance and reformation. See, in this connection, new article 46, p. 209. See new article 14, p. 206, where double the power is given a regimental and garrison court-martial than now given by existing laws. By new article 27, p. 207, power is given commanders to inflict punishment on soldiers without any trial, which is not sanctioned by any existing law.

See new article 70, p. 211, which is a modification of our present article No. 62, and is intended, no doubt, to correct the ambiguity of that article, which has caused so much heartburning and so many dissensions in the Army. It will be seen that in enumerating the kind of officers who shall, according to the date of commission, "command the whole," the ordnance officers are excluded, while the engineers are not; and that while the Commissary, Quartermaster, Medical, and Pay Department officers of the Regular Army are excluded, those of that class in the marines, volunteers, or militia, are not. In fact they have left in the ambiguity which has caused the trouble heretofore, and only eliminated the staff officers and the ordnance officers of the Regular Army from those who can command. This article admits volunteer officers of whatever description to command, while, on page 11, article 4, paragraph 4, they are not mentioned among those who can do so.

I do not pretend to judge of all the details, or of the general features even, of these regulations. I have not had time to read them over, much less to compare them carefully with themselves, and with those now in existence. I have commented on the portion I have read, at hazard, but it is evident to me that they are too incomplete and inharmious to be adopted as they now stand. See the contradiction in the last paragraph of p. 11, with article 55, p. 104. By the first it is provided that staff officers shall not command troops, &c. By the latter, under the head *staff*, it is said the general staff is composed of the generals of the Army who command troops; and this inconsistency is consistent with article 1, which says the Army is composed of the troops and the staff, and that the troops consist of organized corps, or bodies of combatants. This, of course, does not embrace the general officers.

See paragraph 10, article 7, where power is given the President in a case where he once had it by law, and where, in 1866, he was, by law, deprived of it—the right to assign an officer to command his senior. If the foregoing answer to the question of the committee, made up hastily, while on my tour of inspection, is not sufficiently responsive, I will examine further, and make it more complete, should they so direct.

WASHINGTON, D. C., *January 31, 1874.*

General WILLIAM T. SHERMAN appeared again before the committee in response to its invitation.

Mr. YOUNG. Please state whether the frontier in Texas has advanced or been drawn in within the last few years.

General SHERMAN. [Referring to map.] I was not as familiar with the actual condition of the settlements in the western part of Texas prior to our civil war as I am now: About three years ago I made an inspection of the frontier from San Antonio to Forts McKavett, Concho, Phantom Hill, Belknap, Richardson, and the Red River. I was accompanied by General Marcy, Inspector-General of the Army. He had been on that frontier a good deal in the years from 1848 to 1859 and 1860, and he pointed out to me a great many districts of country, especially between Phantom Hill and Fort Richardson, which had formerly been settled, and I could see the remains of houses and fences which had been abandoned, and which he said were abandoned in consequence of the repeated incursions of the Indians in the north and west. I should judge it was a belt of land about a couple of hundred miles long by a hundred wide, which he stated had formerly been occupied by a thrifty population, but which at the time of my passage was entirely unpopulated. From the map before me I should suppose that that district would embrace the counties called Brown, Comanche, Earth, Eastland, Young, Throckmorton, Jack, Archie, and Clay. That region appeared to have been settled in a former period of our history, but at the time of my passage through it it was abandoned by nearly everybody except military posts and military pickets.

Mr. MACDOUGALL. What was the occasion of that abandonment?

General SHERMAN. The incursions of Indians usually called Comanches, but now understood to embrace also the Kiowas and Cheyennes.

Mr. MACDOUGALL. Had the settlers evidently been driven off by fear?

General SHERMAN. Evidently. Their houses had been burned and their fences were all gone to ruins. We could see the remains of what we would call farms or plantations, especially in the neighborhood of Fort Belknap, in Young County, and Fort Richardson, in Jack County. From Fort Belknap to Jacksborough all the country was abandoned and I could see where the houses had been and where the fences still were but were decaying and rotting.

Mr. YOUNG. Those organized counties are now depopulated?

General SHERMAN. I think they are. They are organized so far as having some sheriffs or civil magistrates, but no population. There is a little village at Jacksborough, close to Fort Richardson, and there are a few farms from there to the Red River, but to the west of Jacksborough I do not recollect a single farm-house that was occupied by a family.

Mr. YOUNG. The cause of all that, I suppose, was the insufficient strength of the Army in that region to prevent Indian depredations.

General SHERMAN. I take it for granted that during the civil war the thoughts of all the people of Texas were turned in another direction, and we have had hardly time since to straighten up things. Of course our garrisons, although seemingly pretty strong, are, for the extent of frontier, really very weak, because the Indians can pass between the intervals of those forts with absolute certainty of escape. Their usual route is from the north and northwest, behind the settlements, and then they penetrate between two of our forts, steal horses, murder men and families, gather all the plunder they can, and then retreat rapidly, not by the route they came, but by some other unfrequented way. They are

very familiar with the country, and they find it easier to steal horses and cattle from their Texas friends than to raise them for themselves.

Mr. YOUNG. Is there any place where we can ascertain the amount of depredations committed in Texas?

General SHERMAN. I doubt very much whether there has ever been a compilation of the murders committed and of the property carried away by the Indians in the last seven years, because the authority is somewhat divided. It is not strictly the business of the military, nor does the Indian Bureau exercise jurisdiction over the western frontier of Texas, because there are no Indian reservations in Texas proper. What the civil authorities have done in the matter of collecting testimony and consolidating it in a tabulated and convenient form I do not know. We have nothing of the kind in the War Department that I am aware of.

Mr. YOUNG. State whether the depredations of Indians generally have been increasing or decreasing in Texas within the last two or three years.

General SHERMAN. Ever since I have heard of Texas I have heard of these Indian depredations; and ever since the close of the Mexican war, in 1848, down to the present moment, a very large fraction of the Army of the United States has been kept along the frontier of Texas. Whether the depredations from Indians are increasing or diminishing I am unable to state. It appears to be a chronic condition of things. Sometimes for months we hear very little about them. Then again, suddenly, Indians penetrate very far and commit some very vile murders, as was done only two or three weeks ago. On this occasion some Cheyennes from the north part of the Indian Territory made their appearance on the Lower Nueces, certainly eight hundred miles from their reservation, murdered a good many people, collected together a pretty large *cavallada* of horses, and were on the point of escaping with them by the route they had come, when Captain Hudson, with a detachment of the Fourth Cavalry, succeeded in surprising them, running them down and scattering them, killing about twenty. We first supposed them to be Comanches, from the neighborhood of the Double Mountain, in Texas, or the Upper Brazos, but General Sheridan is now under the impression, from their dress and their bows and arrows, and other Indian tokens, that the parties to that affair on the Lower Nueces were Cheyennes from the upper part of the Indian Territory, or rather up on the border of Kansas.

Mr. YOUNG. What is the extent of that frontier in Texas?

General SHERMAN. Starting from the mouth of the Rio Grande and following the line of the western posts up to the Red River, it must be about eight hundred miles. Then add to that the line connecting Fort Concho with El Paso, in New Mexico, nearly three hundred miles more, and it will make over one thousand miles of frontier altogether.

Mr. YOUNG. How many military posts are there along that frontier?

General SHERMAN. There are thirteen.

Mr. YOUNG. Do you think there are troops enough there now to afford protection to that frontier?

General SHERMAN. Not to afford thorough protection; but Texas has a larger proportion of the Regular Army than any like frontier in the whole United States. It therefore has more than its reasonable share of the present regular establishment. If trouble arises, as I apprehend it will in this spring, on the Upper Platte with the Sioux (those at the Red Cloud agency more especially) we will have to draw certainly one regiment of cavalry and probably a regiment of infantry away from Texas.

Mr. YOUNG. I am told that when Indians make a raid into the settlements the military can pursue them to the reservations but no farther; how is that?

General SHERMAN. That is so. We have no right to invade the Indian Territory without the consent of the Secretary of the Interior.

Mr. YOUNG. Then the Interior Department has the authority entirely on the reservations?

General SHERMAN. It has absolute authority on what are called the Indian reservations. We have invaded them, but it has been without authority of law. Something like the invasion of Mexico. I gave permission once to General McKenzie to follow Santanta into the reservation to Fort Sill, but I had no right to do it.

Mr. YOUNG. I hear that you were attacked down there.

General SHERMAN. As soon as I got command of the Army, in 1869, it became my duty, of course, to keep an eye over the whole area of our vast Indian country, with which I was pretty familiar from my previous life. Complaints came in very thickly from Texas about the constant incursions of the Indians from the Fort Sill reservation. The usual official course was to refer these papers to the Interior Department. Sometimes we got a response to them, and sometimes they were entirely ignored. There was a difference of opinion even among our best officers whether these incursions were made by Indians from the Fort Sill reservation or were really committed by Indians who were outside of the reservations, viz, Kiowas and Comanches, who had never come onto the reservations, and had never fallen under the jurisdiction of the Interior Department. At last I made up my mind to go down there and see. Some of the Texas people had represented, and seemingly with truthfulness, that they had followed their stolen horses and cattle up to the Fort Sill reservation. They alleged that they had made a demand for them, but were refused any redress by the agent. I doubted it because I knew the agent there, Mr. Tatum, to be a very good and very honest man. So I went down to San Antonio by way of New Orleans, fitted out a very small party, and went to Fort McKavett. Thence I followed the frontier to Concho, Chadbourn, Phantom Hill, Belknap, and Richardson. We found little pickets of four or six men strung along at every twenty or thirty miles, for the purpose of guarding the stage-line which came from Fort Gibson by Richardson and Concho, and there followed the route to El Paso, and so on to California. From the sergeants and lieutenants commanding the pickets I heard of hostile Indians. I remember that at Chadbourn we saw wild turkeys feeding quietly within three or four hundred yards of the station, and I asked the sergeant why he did not kill them. He said they were not allowed to waste their ammunition; that the Indians were pretty bad, and if they used their ammunition for hunting they would be reprov'd. I gave him a little slip of paper, authorizing him to use ammunition, within reasonable limits, for hunting, but not to reduce the supply below one hundred rounds for each man. The same thing occurred at Phantom Hill, where there were deer and birds within sight of the post, and the soldiers who staid there did not like to go out after them because the hostile Indians were seen in the neighborhood almost daily. These Indians did not seem to interfere with the traveling of the stage, which was nothing but a two-mule spring-wagon, with a driver and sometimes a single passenger and a little mail-bag. The orders to the soldiers were to guard the stages, but not to expose themselves needlessly. Between Fort Belknap and Fort Richardson there was an old abandoned station, near a spring, where we stopped and got some water, and drove on to Richardson. Within

an hour or two after our passage, a train of ten wagons that was going from below Jacksborough to Fort Griffin, by the reverse route, was attacked by a very large force of Indians who had been waylaying the road, and who saw us pass, as I heard afterward from themselves. About 4 o'clock in the morning of the next day I was near Fort Richardson, camped by a creek, when Colonel McKenzie came to me and told me that five men had just come in who had escaped from the wagons, which had been attacked about twelve miles out, and who reported that they had lost their train, and that seven of the twelve men who were with the train were killed; the other five had got in safely. I sent for the principal man, and talked with him a long time. He told me that he had been a soldier with me in the Georgia campaign, and he brought in the other four. Their story was as plain as anything I ever heard in my life. They described how they were traveling toward Fort Griffin, their wagons loaded with corn, and when they were near this abandoned spring they saw Indians descending from the woods about three-quarters of a mile off, and as they gradually approached the train they closed up, and finally packed the train in the form of a circle or rather of a horse shoe, unhitched their animals, and gathered them inside, and each man stood by his wagon with a carbine in his hand. Then the Indians swooped around them, closing in their circle, until finally they opened fire upon them. Their guns were indifferent, mere carbines of different patterns, and they did not have much ammunition. The wagon-master seems to have been a man of a good deal of mark. He kept his presence of mind, and gave orders till he was killed. Then there was confusion, and the Indians made three or four dashes, closed in upon the train, and succeeded in killing seven of the men. The five others concluded to abandon the train, and they worked their way, back to back, down by a ravine, to a little point of timber three-quarters of a mile off. As long as the men kept compactly together, with guns in their hands, the Indians let them take their way. The Indians then took possession of the train, and when last seen they were burning it. I ordered General Mackenzie at once to saddle up every man at the post, and to go to the point and ascertain the truth of the story; then to take the trail of the Indians, and follow it into Fort Sill or wherever it ended. I then started myself by the usual traveled road north by east, crossing Red River, and got to Fort Sill, I think, in about four or five days after this affair. There I waited to hear of Mackenzie, and I think that the second day after I got into Fort Sill was the ration-day for the Kiowa Indians. The agent, Mr. Tatum, whose agency was about a mile from the post, came up to where I was sitting on General Grierson's porch and said to me that Satanta and about twelve or thirteen Kiowa Indians, with a parcel of squaws and pack-animals, had come in for their monthly supply of rations, and that Satanta openly and without hesitation boasted to have been at the affair down at Fort Richardson, and confessed to have led the war-party, consisting of about one hundred warriors. Satanta said that "if any other Indian claimed the honor of that great fight, he was a liar, for he, Satanta, himself had done it." "Well," said I, "Tatum, what do you propose to do about it? you are the Indian agent." Said he, "I give it up; I cannot do anything." "Well," said I, "are you willing to turn the matter over to me?" "General," said he, "I wish you would take them off my hands." "Very well," said I, "stand back; I want you to get them in to me here inside the post. Tell Satanta that I want to see him, and in the mean time ascertain the names of all the parties present who were personally with him on that occasion, because we will limit our action to them without involving the

whole Kiowa people." In the course of half an hour, in rode Satanta on a pony; hitched his pony on the opposite side to a rail, and came on to the porch. Old Satank, another bad Indian, came in with him or very soon after. Satanta leaned up against the post of the porch, and I inquired of him, through an interpreter, "How about that matter down at Fort Richardson, in Texas?" "Well," said he, "I told the agent all about it, so it is no use for me to repeat it again." Said I, "I understand you were down there with a few of your warriors, trying to keep your hand in." He said, "Yes, that he just went down to show them the road, and how to do things." Said I, "Do you consider it a great feat of war for one hundred armed men to attack twelve poor teamsters?" "Well," said he, "it was not, and I was merely trying to show the young men how to do things." He said that he was a great warrior and chief himself, and that it was necessary for him to instruct his young men how to fight. "Well" said I, "I suppose you stood off and blew your horn;" (he had a trumpet by his side which he used to blow, imitating the garrison-calls.) He said yes, that he stood off and just blew the signals. "Why did you burn the man at the wheel?" said I, (a fact which had been reported back to me by a note from General Mackenzie, who also reported that he had found the teamsters' story substantially true, with the addition that he had found the wagon-train partially burned, and one of the men lashed to the wheel, burned to death and charred.) Satanta's careless manner rather excited my anger, and I told him to take a seat there; that I had something further to say to him. Said he, "If you don't like it, I will go away." Up to that time there was no armed soldier near us; I whispered to General Grierson to send quickly to the quarters and get some men from the barracks, and to conceal them behind his quarters; he said that he had got an orderly near who was armed. Satanta said, "If you don't like what I have done, I will go; I am not going to stay here." I said, "No, do not go. Sit down here." He started to go for his horse, when this black soldier, a tall, fine-looking sergeant, interposed between him and his horse, and presented his pistol at his face. Satanta saw that we were in earnest, turned around, gave a grunt, and took his seat as required. In the mean time Mr. Tatum had sent different strikers of his out to bring in another Indian named Big Tree, and a fourth Indian, who was known to have been with Satanta on this identical trip. We heard one or two shots down about the sutler's store, in an opposite direction from the agency, and presently a couple of soldiers brought Big Tree up, and sat him down near the others. That made three of the party. In attempting to arrest the fourth one, the soldiers killed him. He had started to run, firing his arrow first, which struck the leg of a soldier, when the men shot him off his horse dead. Then there was a general stampede down about the agency, and the Indians, men and squaws, ran in every direction. We managed to keep eight or nine of them, of whom only four had been actually present with Satanta in his Texas raid. I made up my mind that I would pursue the Indian peace policy, and send them to Texas, where I thought they could be tried legally and properly, at the locality where they had committed their crime of murder. I looked upon that step as a measure of peace; that is, as being in the direction of enforcing law against the Indians by the civil processes of a court and jury. A parcel of Texas citizens had come with me from Jacksborough, who had represented to me the state of facts on the frontier, of whom one was a lawyer. I invited them to accompany me for the purpose of identifying stolen stock, which I promised should be restored to them if their representations proved to be true.

These men were with me at Fort Sill, but I do not think they were actually present at the time of the arrest of Satanta and Big Tree and of old Satank. We had an angry council on General Grier's porch, at Fort Sill, which came near resulting in a hand-to-hand fight. But at last these three Indians were put in double-irons and put in the guard-house, and I am sure it had a most wholesome effect. In a few days after, General Mackenzie came in, having followed their trail from the scene of murder up to the Kiowa agency. The Indians were then turned over to him, and were carried back to Jacksborough. On the way back old Satank tried to escape, and was shot dead, making two of the original four killed. The other two were delivered to the civil authorities at Jacksborough for trial. The rest of the history is as well known to the committee as to myself. They were tried. There was no doubt about their being guilty. They were sentenced to be hung. But by the interposition of the kind friends of the Indians, and of the Indian Bureau here, the sentence was commuted by Governor Davis to imprisonment for life. Of course the governor of Texas ought to have known that the thing would not stop there. This same influence persevered, till finally Satanta and Big Tree have been set loose in the Kiowa Nation, and those who have faith in them will, I think, one of these days have reason to regret it. They will have their revenge, and if they get Governor Davis's scalp *only*, I will not shed many tears. I thought at the time that the case was an excellent one to illustrate to these Indians how civil force and civil government could be brought to bear upon them. I think we have thus lost a better opportunity than will ever occur again. I am sure that if they had taken those two Indians and hanged them by due course of law, the Kiowas would have staid at home in future, and not bothered the Texas people again. Now, they take it for granted that their influence at Washington is such that they may commit the most hellish murders and yet be pardoned.

Mr. YOUNG. When was the last massacre in Texas that has been reported?

General SHERMAN. Within the last month some twenty-four white people have been reported killed in Texas by Indians, as far down as the Lower Nueces. We thought those Indians were the Kiowas, but they are now reported to have been Cheyennes. They are all mixed up. My impression was that the last murder was committed by Comanches and Kiowas, but General Sheridan says that the dress and bows and arrows left with the dead rather evince them to have been Cheyennes. Every Indian has on his arrow a tribal mark. The Cheyennes and Arapahoes have a reservation north of Fort Sill, within what is known as the Indian Territory, but when they are marauding from that quarter they take along anybody they can find willing to go. For instance, three or four young men start out for a raid, and they pick up recruits from other tribes as they go along, so that I do not suppose we can hold any one single tribe responsible for any distinct raid into Texas. But I know that all the Indians regard Texas as a very good place to get horses, and I think that that is their chief object, rather than to kill. I think they go principally to steal horses, but, of course, they kill as incidental to their marauding.

Mr. YOUNG. Do you consider it safe for soldiers to leave the forts without their arms at Richardson or Belknap?

General SHERMAN. I think it would be imprudent for any soldier, or for even five or six soldiers, to leave the post and go five or six miles away without taking their arms along. At the time I was down at Fort Belknap, there was but one man, a citizen, in an old stone house there,

and he would not venture out at all. Fort Belknap is an abandoned post, or simply a mail-station.

Mr. YOUNG. Are you aware that the Indian Commissioner recommends issuing more arms and ammunition to the Indians in his printed report? Do you think that that would result in harm or peace?

General SHERMAN. There are certain Indians, such as the Nez Percés, Gros Ventres, Pawnees, Tennes, Moquis, &c., to whom it would do no harm to give guns; but to give guns to the Cheyennes, Arapahoes, Kiowas, Comanches, or Sioux, would be worse than murder. It would be giving them the very instruments of murder, something horrible to contemplate. To give a Sioux a rifle is to take somebody else's life. I would infinitely rather arm the Plug-Uglies of Baltimore or the rowdies of New York with six-shooters than to arm these Indians.

Mr. YOUNG. Would you advise giving the peaceful Indians in Oregon more guns?

General SHERMAN. No, I should have them to settle down, and give them hoes. I do not see what they want with guns now. The game is nearly all gone there.

Mr. THORNBURGH. Is there such traffic with the Indians as to furnish them with guns?

General SHERMAN. The Indians on the plains have means of exchanging furs, skins, buffalo-robos and trinkets with our wandering people who will go everywhere, and who will swap their six-shooters and carbines for something of that kind. The Indians have all the arms now they want, and more than they ought to have. I do not believe there is a Kiowa Indian warrior who has not his two pistols and a gun.

Mr. YOUNG. Have you any doubt in your mind, or do you think there is any doubt in the minds of any of those citizens on the frontier, as to whether they would be better protected if the Indians were entirely under the control of the War Department?

General SHERMAN. I suppose there is hardly a disinterested man west of the Missouri and Mississippi Rivers who does not believe that if the whole Indian problem were put in the hands of the Army, (which has the means and force necessary to compel obedience,) the Indian business would be more economically and better administered than it is now, where there is not only a division of opinion, but a division of interest. As it is now, the Indian Bureau keeps feeding and clothing the Indians, regardless of their behavior, till they get fat and saucy, and then we are only notified that the Indians are troublesome, and are going to war, after it is too late to provide a remedy. Usually the warning comes too late. If the same mind had control of the whole question, as a matter of course the gratuities issued by the Government would be given to those Indians only who deserve them, and would be withheld from those who do not deserve them; and thus, by using this power in addition to that of force, the probabilities are that we could keep in subjection a large class of Indians who are not in subjection. For instance, Red Cloud's Sioux are not in subjection. Those Indians to-day are as hostile as they ever were. They never cease to commit depredations if an opportunity offers, except when restrained by a sense of fear. They have no other motive for keeping the peace.

Mr. MACDOUGALL. What, in your judgment, is the efficiency of these Indian inspectors?

General SHERMAN. Very good. I believe they are honorable men, and mean to do right. I believe they are trying to collect valuable information; but they are, as a matter of course, the representatives of that humanitarian class of our people who look upon the killing of a

man by the Indians rather as a species of moral insanity than as deserving of punishment.

Mr. MACDOUGALL. There is considerable moral insanity existing among those tribes of wild Indians, is there not ?

General SHERMAN. A good deal. You know perfectly well that there is a class of people in this country who look upon murder as being justified by a species of insanity, and who charge the whole community with being guilty because of their bringing boys up so badly that they commit murder, and who, therefore, hold the community responsible. But if criminal laws were made and executed upon that basis, murderers would go free at all times, in civil as well as savage communities.

Mr. MACDOUGALL. In your judgment, if the War Department had had charge of the Indians, would the Modoc war have occurred ?

General SHERMAN. My own opinion is that it would not have occurred. General Canby—a man of fine judgment and splendid character—on the spot, with sufficient troops, would have prevented any outbreak. But it was brought on step by step, until finally it became a war, by our attempting to reconcile irreconcilabilities. I have no doubt that the Indians, in the aggregate and in detail, have suffered great wrong at our hands. But how are you going to settle this great continent from the Atlantic to the Pacific without doing some harm to the Indians who stand in the way ? I do not know how you can do it. There has to be violence somewhere. If that violence be tempered with justice, you approach a just solution of the problem ; but there must be violence or force used. The Government must use force, or individuals will do violence. For instance, we cannot allow the Indians to roam at large through Western Kansas and Western Nebraska, because if they do there will surely be collision and bloodshed. In order to prevent that, you must take these Indians and assign them a separate place where they *must* remain, just as you and I must remain near our domiciles and pursue our peaceful avocations. If you allow the Indians to go out to hunt buffaloes, if they cannot find buffaloes they will shoot a steer, when the owner of the steer naturally goes for the Indian. That is human nature, and collisions thereby ensue, which are taken up by the friends of both parties, and it spreads from a mere act of trespass into a frontier war. Therefore, the Government of the United States is bound, as sovereign of the whole question, to take these Indians in hand and collect them into convenient places, and there provide for their wants till they can provide for themselves. But they must be made to stay there. How the thing can be done without physical force I cannot comprehend. Moral force is not strong enough. Moral force is merely the impulse of the mind or conscience. The Indians hardly understand it.

The CHAIRMAN. Do you understand it to be the policy of the Administration to dispense with force and the aid of the Army in the management of the Indians ?

General SHERMAN. No, I do not. My understanding of General Grant's plan is this : that we shall deal by the wild Indians with justice and mercy. The plan of the Administration was in the first place to put them on reservations, and to hold out every possible inducement to them, in the way of food, clothing, and generous and kind treatment, to remain on those reservations, and to accept the benefits of churches and schools, and whatever would alleviate their condition ; and then, if the Indians will not abide by that, if they will not stay at home and behave themselves decently, but will go outside of their reservations, they should at that instant fall under military jurisdiction, and the troops should catch them and carry them back to their reserva-

tions by force; or, if they resist, shoot them; or, if they commit depredations on their neighbors, on the farmers, miners, &c., punish them summarily, just as outlaws are punished in any other country.

The CHAIRMAN. Does not the Secretary of the Interior rely on military force for the management of the Indians?

General SHERMAN. As to certain Indians, yes. The Secretary of the Interior will tell you, to-day, that he cannot manage the Kiowas and the Sioux by moral force alone. But the trouble is, they do not give us timely notice of Indian hostilities. I do not find fault with the Indian Bureau, or with the Interior Department, or with those peace-loving men, in the least, but the military authorities ought to receive timely notice of Indian troubles. As it is, the first notice that we get, usually, is that the Indians are already off on the war-path.

The CHAIRMAN. Is notice withheld by the Indian Bureau? Is not such notice really obtained from the soldiers?

General SHERMAN. No; it generally comes to us from the Indian agent. For example, the agent at Red Cloud's reservation reports that he is in effect a prisoner in their hands and that he is afraid to call for assistance; but he wants us to take hold of the subject somehow, and to get these Red Cloud Indians into subjection. That will require the bringing of a cavalry regiment from Texas, and another from Southern Kansas. The Seventh Cavalry is now at the extreme north, in Dakota and Nebraska, but they are frozen in there, and we cannot get them. We cannot do this in a day, or in a month, or in three months. We cannot do it before June.

The CHAIRMAN. Is there a good understanding between the officers of the Indian Bureau and the officers of the Army who are stationed on the Indian frontier?

General SHERMAN. No, sir; and there lies the trouble. For example, if an Indian agent in Oregon wants the benefit of a battalion of troops to assist him in executing the orders of the Indian Bureau, he has to send to Washington to procure the order for the troops from the Secretary of War, and then this order has to go all the way back again. That will take a month for Oregon. And there was the trouble which led to the Modoc difficulty; before the troops were called upon to act seriously, the Indians had taken refuge in their caves, and had assumed a position of defiance.

The CHAIRMAN. Was General Canby restrained by any peculiar orders?

General SHERMAN. He was not restrained, but he was not consulted. He knew nothing more about it at first than you did in Indiana. A few troops were sent down from the nearest military post, Fort Klamath, to assist the Indian agent in the removal of the Indians. These Indians had been moved some years ago over to Klamath reservation, where there were no fish, and they would not stay there, but went back to their old homes on Lost River, just as a horse will go back to the farm where he was raised. In the mean time, the little valley of Lost River, from which they had first been removed, had become settled, and the farmers commenced complaining that the Indians were back there and were begging and stealing from them. The Indian agent, of course, wanted to get them back to their reservation, but they said they would not go back; that they would as lief be killed where they were, because they could not live on the Klamath reservation, and would starve there. The consequence was that the agent sent for a little detachment of soldiers, intending to make a mere show of force; but, instead of a show of force, they actually got into a collision, and there were not troops enough at

the time to subdue the Indians. Then the Indians assumed hostilities, and commenced killing the people. By the time the Department commander at Portland had heard of it, the Indians had gathered together and got into an unassailable position, and the first force that was sent there was beaten back, and so it grew from a little thing into a big thing before it was laid hold of by the Department commander.

The CHAIRMAN. State in what way this case of Canby's differed from the case of an ordinary military officer in charge of a post against the Indians.

General SHERMAN. General Canby was one of those singularly cautious, conscientious men, who are not so common now as they used to be. He looked upon it as his duty to fulfill the orders, and the spirit of the orders, coming to him from the highest, or from any superior, authority. General Schofield was in supreme command of the Pacific division, embracing California and Oregon, but he had gone, for the benefit of his health, to the Sandwich Islands, leaving General Canby in Oregon, temporarily in command of the whole division of the Pacific. He made himself familiar, as rapidly as he could, with the interests of all parts. About this time this Modoc matter, on the borders of Oregon and California, had begun to grow into a serious matter; telegrams came to Washington, and, instead of attacking these Indians in position, orders went out, "Do not attack; wait a while, and give the peace commissioners a chance to confer with the Indians, and to reason with them, and to remonstrate with them." And commissioners were sent all the way from Washington out there. General Canby was simply kept advised not to attempt anything, but to keep the *statu quo* until these gentlemen could have time to arrange matters. But little personal difficulties grew up among these commissioners; one wanted one thing, and another wanted another thing, and they couldn't exactly agree. Mr. Delano, I think, made a personal request that General Canby should go down there from Portland in person, resting more in the faith of his character than in his office. He was very well known here in Washington. He went down there, and, as he understood, not so much as the commander of the troops, or of the military division of the Pacific, but as General Canby, to assist in untying this ugly knot. I have no doubt at all that, when General Canby consented to go into Captain Jack's camp that fatal day, he knew that he was doing an imprudent military thing—not his duty as an officer, but out of regard for the peace commissioners; feeling that, possibly, Captain Jack did mean to act in good faith, and by a little persuasion would yield to their representations, and would go back, as required, to his place on the Klamath reservation. In other words, he surrendered his character as a military commander, and put himself in the power of Captain Jack and his little knot of Modocs as a peace commissioner.

(General Sherman here submitted copies of some of the telegrams passing between the War Department and the Interior Department upon the subject of the Modoc difficulties. They are as follows:)

HEADQUARTERS OF THE ARMY,
Washington, January 30, 1873.

I am instructed by the Secretary of War to telegraph you that it is the desire of the President that you use the troops to protect the inhabitants as against the Modoc Indians, but, if possible, to avoid war.

W. T. SHERMAN,
General.

[Telegram by the Western Union Telegraph Company, dated Portland, Oreg., January 30, 1873.]

To Gen. W. T. SHERMAN,
Commanding the Army, Washington, D. C.:

I am satisfied that hostilities with the Modocs would have resulted under any circumstances, from the enforcement of the Commissioner's order to place them on the reservation. New facts show very clearly that they were determined to resist, and had made preparations to do so. If the arrangements for their removal had been properly carried out, the lives of the settlers who were murdered by them might have been saved, but hostilities would still have resulted and their blows would have fallen elsewhere and later; on the approach of a force too large to resist, they would have betaken themselves to the mountains or to their caves and kept up the war from those points. Since the commencement, they have twice attacked trains, evidently for the purpose of securing ammunition for carrying on the war.

I have been very solicitous that these Indians should be fairly treated, and have repeatedly used military force, lest they might be wronged, until their claims or pretensions were decided by proper authority. That having been done, I think they should now be treated as any other criminals, and that there will be no peace in that part of the frontier until they are subdued and punished.

Colonel Gillen acknowledges receipt of instructions of this morning, and asks if Captain Jack shall be notified that he will not be molested if he remains quiet. If not inconsistent with the President's desire, I propose to instruct him to hold communication with Captain Jack, to prevent his getting supplies of any kind, and to treat as enemies any of his party that may be found in the settlements without proper authority, but to make no aggressive movement until further orders.

E. R. S. CANBY,
Brigadier-General, Commanding.

[Telegram by Western Union Telegraph Company, dated Portland, Oreg., January 30, 1873.]

To Gen. W. T. SHERMAN:

Telegram of this date just received; instructions in conformity thereto will be sent at once by telegraph and courier.

E. R. S. CANBY,
Brigadier-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 31, 1873.

Gen. E. R. S. CANBY,
Commanding Department of the Columbia, Portland, Oregon:

Your two dispatches of yesterday are received, and will be laid before the President to-day, and as positive an answer will be sent as the case admits of. Let all defensive measures proceed, but order no attack on the Indians till the former orders are modified or changed by the President, who seems disposed to allow the peace men to try their hands on Captain Jack.

W. T. SHERMAN,
General.

[Submitted to Secretary of War, January 31, 1873.]

GENERAL SHERMAN: The President approves your telegram to General Canby of January 31. He desires General Canby to be informed by telegraph that commissioners have been appointed, with whom he is desired to confer. The commissioners have been directed to notify General Canby, from San Francisco, of the time and place where they can meet him.

WM. W. BELKNAP,
Secretary of War.

FEBRUARY 1, 1873.

[Telegram.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., March 6, 1873.

Gen. E. R. S. CANBY,
Commanding, Fairchild's Ranch, Cal., Modoc Country:

All parties here have absolute faith in you, but mistrust the commissioners. If that Modoc affair can be terminated peacefully by you, it will be accepted by the Secretary of the Interior as well as the President. Answer me immediately and advise the names of one or two good men with whom you can act, and they will receive the necessary authority; or if you can effect the surrender to you of the hostile Modocs, do it, and remove them under guard to some safe place, assured that the Government will deal by them liberally and fairly.

W. T. SHERMAN,
General.

[Telegram.]

VAN BREMER'S RANCH, *March 14, 1873.*Gen. W. T. SHERMAN, *Washington, D. C. :*

Your telegram of the 13th has just been received. The utmost patience and forbearance has been exercised toward the Modocs, and still will be. But there is danger that they may escape from the lava-beds and renew their hostilities against the settlers. To prevent this, the troops will be so posted as to watch the places of egress and keep them more closely under observation than they have been pending the negotiations of the commission. Apprehending that their last action was only a trick to gain time to make their escape, I directed a reconnaissance to be made around the lava-bed, which was completed last night. The Modocs are still at or near their old camp; the party found and brought in thirty-three horses and mules, which is all, or nearly all, that was left of the Modoc's band (of stock.) The Indians guarding it were not molested and ran off into the lava-beds. While no active operations against them will be undertaken until all other efforts have failed, I wish them to see that we are fully prepared for anything they may attempt; and this may incline them to keep their promises in future. Another danger to be apprehended is, that this forbearance shown to the Modocs may be regarded a weakness by the Pahutahs and Snakes, and induce some hostile action by them. To guard against this, I have ordered Sanford's troops from Fort Lapwai to Camp Harney, about which post a large number of the Pahutahs are now gathering.

E. R. S. CANBY,
*Brigadier-General, Commanding.*VAN BREMER'S, CAL., *March 17, 1873.*Gen. W. T. SHERMAN, *Washington, D. C. :*

Telegram of the 14th just received. There is nothing new in the situation of the Modocs. Troops are being moved into positions that will make it difficult for them to secure egress for raiding purposes; and in making these movements, the commanders are instructed not to come in contact with the Indians.

I hope by this not only to secure the settlers, but to impress the Indians with the folly of resistance, and, by abstaining from firing upon or capturing any of their people, to inspire a greater degree of confidence in us than they now have. I propose to open communication with them again in the course of two or three days, and have come to this place in order to prevent interference with them by persons interested in misleading them and keeping up their fears and distrust.

I have no doubt they would consent at once to go to Yainox, but that would not insure us a permanent peace, and it would have a bad effect on neighboring tribes, and with a little patience I believe that a better arrangement can be effected.

E. R. S. CANBY,
*Brigadier-General, Commanding.*DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 22, 1873.

SIR: Your communication of this date, inclosing a telegram from General Canby, dated the 16th instant, is received.

I have so much confidence in the wisdom, discretion, and correct purposes of General Canby, in regard to the execution, as far as possible, of the President's policy and the Department's wish to preserve peace and prevent further bloodshed with the Modocs, that I deem it my duty to authorize General Canby to remove from the present commission appointed by this Department any member whom he thinks unfit or improper, and appoint in his place such person as in his judgment should be appointed; always expecting him to inform this Department, through the War Department or otherwise, immediately on his action. You will please inform General Canby of the substance of this letter, provided you are willing to allow him to use the discretion and exercise the powers which are hereby conferred upon him, with your approbation.

Very respectfully, your obedient servant,

C. DELANO,
*Secretary.*Hon. W. W. BELKNAP,
Secretary of War.

General SHERMAN: Please inform General Canby of the contents of this letter, returning the same to me.

WM. W. BELKNAP,
Secretary, &c.

MARCH 24, 1873.

[Telegram.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., March 24, 1873.

Secretary Delano is in possession of all your dispatches up to March 16, and he advises the Secretary of War that he is so impressed with your wisdom and desire to fulfill the peaceful policy of the Government that he authorizes you to remove from the present commission any members you think unfit, to appoint others to their places, and to report, through us to him, such changes.

This actually devolves on you the entire management of the Modoc question, and the Secretary of War instructs me to convey this message to you with his sanction and approval.

W. T. SHERMAN,
General.

Gen. E. R. S. CANBY,
Commanding Van Bremer's Rancho, Modoc Country, via Yreka, Cal.

[Telegram received at Headquarters Army of the United States, Washington, D. C., March 29, 1873, dated San Francisco, March 28, 1873.]

To Gen. W. T. SHERMAN, Washington, D. C. :

Your telegram of the 24th has been received. The commission as at present organized will, I think, work well. Yesterday the Modocs again invited conference, and Colonel Gillem who, with the party examining the lava-bed, had a short interview with two of the most intelligent, both, however, of the peace party, is of the opinion that they are more subdued in tone and more amenable to reasoning than at the last previous interview.

I think that when the avenues of escape are closed, and their supplies cut off or abridged, they will come in.

ED. R. S. CANBY,
Brigadier-General Commanding.

By courier to Yreka, Cal.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 9, 1874.

Official copies.

Adjutant-General.

At the next interview, viz, April 11, 1873, General Canby was murdered by the Modocs in council.

Mr. McDougall. You think that all this delay in getting up concert of action between the Interior Department and the War Department, on the Indian question, could be obviated if the War Department had charge of the Indians ?

General SHERMAN. Yes; you gentlemen have all been in the Army, and know perfectly well that no man of soldierly instincts would consent to make his officers subject to the military orders of an Indian agent, who knows nothing at all about military affairs. Therefore, we insist that when an Indian agent calls for troops he must surrender the management of the question at issue to the military commander actually present.

Mr. YOUNG. Do you not think that the force on the frontier is entirely insufficient to protect it effectually ?

General SHERMAN. I do not believe that we can give you in Texas better security than you have had hitherto, and which you know is imperfect. The troops have done all that can reasonably be expected, and yet Texas has not been perfectly safe from Indian raids.

Mr. YOUNG. Is that because you have not sufficient troops there ?

General SHERMAN. It is; but I don't know whether Texas is worth more. You must take that into consideration. That western frontier of Texas is a pretty mean country. The Llano Estacado is a blank just like the Atlantic Ocean, and never can be settled.

The CHAIRMAN. What is the use of mail routes from Fort Concho, west, towards El Paso ?

General SHERMAN. I know of none whatever. El Paso is reached now by way of the north, and by the valley of the Rio Grande. These military posts along that route, west of Concho, are very expensive posts, and posts that are hard to maintain.

The CHAIRMAN. Could the mails be carried to military posts by cavalry ?

General SHERMAN. Yes.

The CHAIRMAN. Do you think that that expense could be dispensed with on the part of the Post-Office Department ?

General SHERMAN. Entirely. The mails could be carried by cavalry to Fort Concho, Fort McKavett, Fort Griffin, and Fort Richardson.

The CHAIRMAN. Would that answer all the purposes there ?

General SHERMAN. Yes, I think there is no mail carried there except to the officers and men.

The CHAIRMAN. Could the cavalry at any of the posts, except in the northwest, do any of that kind of service.

General SHERMAN. No, we would use up too many of our horses.

The CHAIRMAN. Would the Indians come in from Mexico if it were not for those frontier posts of Quitman, Davis, and Stockton ?

General SHERMAN. No, I think not. The settlements would be protected by the interior line of posts.

Mr. YOUNG. Would you advise the mounting of any infantry regiments on the frontier ?

General SHERMAN. No, sir.

Mr. YOUNG. Would you advise the increase of the cavalry on the frontier ?

General SHERMAN. No, except by adding private soldiers to the companies. If you increase each company to one hundred men, that will make twelve thousand cavalry for the whole army, and that will be plenty.

Mr. YOUNG. Would you advise the increase of the cavalry that much ?

General SHERMAN. I would like it very much indeed, but at the same time it cannot be done without increasing the cost of the army. The cavalry is the most efficient arm of the service for the present existing condition of things in the Indian country, and every private soldier that you add to the companies increases its efficiency. If you want to increase any part of the Army that is the cheapest and best way to do it; namely, by adding private soldiers to the companies. But I think that with ten regiments of cavalry we can keep a pretty good state of affairs on the frontier for the next three years.

Mr. McDougall. What, in your judgment, is the use of chaplains in the Army ?

General SHERMAN. We need praying for just as Congress needs praying for—the same reason exactly. It is a concession to the religious sentiment of the country. There is no doubt about that. There is no use in concealing it. The system is not effectual, and would not be effectual unless you had a chaplain at each post, whereas the number of chaplains is entirely independent of the number of posts, and, in fact, those remote posts that need chaplains most do not get any.

Mr. McDougall. You think on the whole that chaplains are useful officers ?

General SHERMAN. I would not like to say anything against them, because the poor old gentlemen might be turned out, and you would have to support them in some other way.

Mr. YOUNG. Do you not think that the Indians could be managed with greater safety to the frontier by the Army than by the Indian Bureau?

General SHERMAN. That is my judgment. The Indians can be cheaper and better managed by the War Department than by the Interior Department, because we have the Army at our command and the machinery which brings us directly in contact with the Indians themselves. And I contend that the Army is more kindly disposed toward Indians than the citizens generally, and that if the country demands an extremely charitable treatment of these Indians, it can be accomplished by and through the agency of the Army better than by and through the agency of those persons who profess more charity than we do, but do not, I believe, practice as much.

WASHINGTON, D. C., *February 3, 1874.*

Gen. MONTGOMERY C. MEIGS, Quartermaster-General of the Army, appeared before the committee.

The CHAIRMAN. Would a reduction of the Army of, say one-fourth or fifth, reduce proportionally the force in the Quartermaster's Department?

General MEIGS. Not proportionally. There is always a difference of opinion between quartermasters and line officers concerning the work to be done at the posts. The quartermasters always prefer to have civilians, because, if the civilians are not capable and faithful, they can discharge them. Hence the employment of civilians tends to increase constantly. If a captain of a company is called upon by a quartermaster to detail men for service under the quartermaster, the captain prefers to detail the worst men in the company, for he naturally desires to keep for company duty the best looking and best disciplined men. Of course at posts and throughout the Army everything is under command of the commanding officer of the post, department, or division, who can give the quartermasters orders. A simple reduction of the number of men in the Army would not make so much difference in the expenditures as a reduction of the number of posts. Every separate post is a cause of expense, and a feeble garrison cannot spare soldiers for labor or care of property. I may say generally that the pressure for employment of more civilians comes from the military headquarters and the military posts, and thus the War Department is generally engaged in resisting increases, and from time to time issues some order absolutely reducing their numbers and expenses.

The CHAIRMAN. State whether the number of civil and military employés in the Department under your control might be materially diminished if the force of the Army were reduced.

General MEIGS. Any considerable reduction of the force of the Army would, in time, reduce the force of the employés in the Quartermaster's Department.

The CHAIRMAN. Can you, without reduction of the Army, reduce your force of civil and military employés—the detailed men and others?

General MEIGS. I do not think that we have now more than is necessary for the prompt transaction of business, the settlement of accounts, and the answering of the innumerable questions that come to the Department. A considerable amount of force in my office, is employed in the settlement of claims; and they would be dispensed with, if House

bill 1009 should become law. A large reduction of hired men has just been ordered because the balances of appropriations are not sufficient to do the work now doing.

The CHAIRMAN. If that bill should pass, a number of your clerks might be discharged?

General MEIGS. Yes. I should be able to discharge all of them that are entirely employed in that business. I do not know precisely the number; I think it is some twelve or fifteen.

The CHAIRMAN. In point of fact, would that save the Government from the employment of a like number of clerks under another head?

General MEIGS. Somebody else must employ the clerks to do the work or leave it undone.

Mr. THORNBURGH. I see it stated that about thirty clerks can be discharged from your office, if these claims be transferred to the Southern Claims Commission. Has there been that number of clerks employed in your office on that class of work?

General MEIGS. I think not, in my office; but if you take the whole number of persons who are employed on that work, throughout the country, in the Quartermaster's Department, I presume there are fifteen.

(NOTE.—General Meigs, after examining the reports in his office stated in a letter to the chairman, the number of clerks and agents then employed at six in his office and nine elsewhere.)

Mr. THORNBURGH. I see it stated also, that less than one thousand claims were decided by your office, during last year. Does it require a force of thirty men to decide less than one thousand claims per annum?

General MEIGS. These claims are presented to my office, generally prepared by claim-agents, and supported by the oath of the claimants themselves, and of such other persons as they can get for witnesses. We find that those oaths or affidavits are apt to be very loosely made. Men seem to be ready (ignorantly, I think) to swear to the truth of what other people tell them, and a good deal of the testimony is hearsay, and a good deal of it is on judgment. A man will send in a claim for wood cut on his farm, and will claim at the rate of two or three hundred cords to the acre. I find it necessary to send somebody to inspect the ground, and to make an examination of the witnesses, and it frequently happens that when the witnesses are examined personally by an agent of the Quartermaster's Department, they contradict themselves and say that they gave their testimony on the faith of their neighbor, who makes the claim, because they believed him to be an honest man. We find, where a hundred cords of wood per acre are claimed, by examination of the stumps, twenty or thirty or fifty cords to be an outside production of the land. That is only one instance of thousands. It takes a good many agents to make these examinations. The officers to whom I refer the claims for examination are the chief quartermasters in the various Departments. In the neighborhood of Washington and West Virginia the claims are sent to the chief quartermaster here; he has two agents. The officer who makes the examination of claims in Tennessee and Kentucky is Colonel Ekin, who is chief quartermaster of the Department of the South, and who has several (six exactly) agents, whom he sends to Tennessee and Kentucky to make these local examinations. When I say that we will probably be able to discharge fifteen persons, I mean those persons employed by the various officers throughout the country, as well as the persons employed in my office.

Mr. THORNBURGH. Are you of the opinion that if the claims should remain in your office for settlement you will be able to have them de-

cided more rapidly than heretofore, owing to the fact that much of the work has been already done ?

General MEIGS. These claims are all in a state of preparation. Many of them are now before these officers that I speak of, and I am receiving reports from them constantly. That much work is done toward a settlement of the claims. When they come to my office they are inspected. It occupies a large part of my time to examine the abstracts and to read the original testimony, when I find it necessary to do so. I then make up my mind as to whether the claim is just, whether the claimant was loyal, and how much ought to be allowed on the claim; and I indorse my opinion on the back of it, and send it to the Third Auditor, recommending what I believe to be the legal and just allowance. That is my share of the work. There are a vast number of claims in that condition. They only want abstracting in many instances, or they are in the hands of the officers ready to be returned. I think that to transfer them to any other tribunal, to new persons who have no knowledge of the claims, may make some delay in their settlement. But I have been myself always of opinion that the best way to settle these claims is to appoint a moving commission to go into the country, take testimony as to facts, and make an examination on the spot; and then to have some statute of limitation. There is no statute of limitation now, and probably under the circumstances it would not be just to have one. A claim is not the less just that the United States has failed to pay it when due, or that the owner has not been advised how to collect what is justly due to him for goods taken for public use. No lapse of time can wipe out justice. But at the same time, if there were published in the various neighborhoods of the country advertisements, that a certain commission, on a certain day, or for a certain number of days or weeks, at certain designated places, would receive claims and file them, and receive testimony, and examine witnesses; then it would not be unjust to pass a statute of limitations declaring that no claims presented after a certain length of time should be considered.

Mr. THORNBURGH. State whether you concur with the statement of the Secretary of War to the committee as follows :

Mr. THORNBURGH. Suppose that the Quartermaster's Department and the Subsistence Department were relieved of the settlement of the claims filed by persons who furnished stores for the Army during the late rebellion, would that materially lessen the expense of those Departments ?

Secretary BELKNAP. It might lessen, to a very small amount, the expenses of the Departments, but I think it would involve an expenditure of a very large amount of money, by the payment by the Government of fraudulent claims.

General MEIGS. It would lessen our expenses to some extent, and it would lessen my own personal labor. As to whether fraudulent claims would be paid by the transfer, it is not for me to say that other people are not to be found as honest as I hope that I am. I send these claims to the quartermasters, but I have not quartermasters enough to visit all the localities in person, and hence they have to select agents in whom they have confidence. If the quartermaster finds that an agent is false, or takes bribes, or neglects his duty, he discharges him and takes another.

Mr. THORNBURGH. Read the next question and answer, and state your opinion on the subject.

Mr. THORNBURGH. Is there anything connected with settlement of those claims which makes the staff departments peculiarly fitted to pass upon the questions arising under them ?

Secretary BELKNAP. Yes, sir; there are a great many of these claims in the departments, and they impose a burdensome duty on those departments; but, at the same

time, I am satisfied that their officers are peculiarly fitted to examine them, and I think that the result of that examination is the saving of a large amount of money to the Government.

General MEIGS. I do not know exactly what to say in regard to that. Secretary Belknap's opinion is very complimentary to me and to the Commissary-General of Subsistence, but I think you might find other men as able to get at the truth of these claims as we are.

Mr. THORNBURGH. Do you require proof of loyalty to go back of the time when the supplies were furnished?

General MEIGS. I hold that if a man has taken the oath of loyalty before property has been taken, and has behaved as a loyal man from that out, he is entitled to be considered loyal. As to what he had done before he took the oath, I do not think that that has legally any influence on his condition after he took the oath.

The CHAIRMAN. I would like to have you explain the item in the Army appropriation bill for the interment of soldiers. Can you state about how much the expenses of the interment of officers who died on duty in the field are?

General MEIGS. The expense is very little. The Secretary has issued orders prohibiting the bodies of officers being sent home to their families, as was formerly done in some cases, without first obtaining his sanction; that was a considerable source of expense. There is a post cemetery at nearly every military post, and officers who die at the post are generally buried there.

The CHAIRMAN. Is it not a fact that officers who die from ordinary sickness, no matter where they die, are buried at the expense of the Government?

General MEIGS. Not except by the express authority of the Secretary of War. If an officer is buried by his family, and if his family sends in any of the bills for funeral expenses, the matter is referred to my office for examination and for recommendation. The expenses are insignificant. I do not suppose we pay over \$5,000 a year in that account, and generally it is probably much less than this.

[NOTE.—At the request of the chairman General Meigs subsequently sent a statement of accounts allowed during the last fiscal year for burial expenses of officers, including those of General Canby and others killed by the Modocs; the amount was \$5,169.36.]

The CHAIRMAN. Can you state whether or not the quarters for officers are furnished at the expense of the Government anywhere; if so, where?

General MEIGS. At distant military posts where it is almost impossible to get hold of a piece of furniture, quartermasters are allowed, by the authority of the Secretary of War (which was first formally promulgated on my recommendation, after I had visited some of the distant and inaccessible posts,) to make standing furniture of the plainest kind out of lumber. For instance, where it would cost an officer \$50 for the transportation of a table, the quartermaster is allowed to make a plain one.

The CHAIRMAN. State whether expensive and valuable furniture has been supplied to officers.

General MEIGS. In no case with my knowledge, and in no case without a violation of orders.

The CHAIRMAN. State whether this furniture that you speak of is subject to removal by officers.

General MEIGS. No, sir. It belongs to the quarters. It is understood as belonging to the establishment, and it is not worth moving. It is in the possession of the quartermaster just as much as window-sashes and

doors are. Some of these posts are reached by five hundred to eight hundred miles of wagon-hauling only.

The CHAIRMAN. State whether the expenditures for gas at posts or stations, or in the quarters of officers, are borne by the Government.

General MEIGS. The Quartermaster's Department pays gas-bills for public offices only, and not for hired quarters of officers in cities. I pay my own gas-bills, and so I presume do all other officers. I know of no exception. The Commissary Department supplies a certain ration of candles at military posts; but where the public offices are in the neighborhood of a large city, and are in communication with gas, the Government pays for the gas.

The CHAIRMAN. At what rate; is it in proportion to the ration of candles?

General MEIGS. Not so much as the Government would have to pay for candles; certainly not as much for the same quantity of light. There is no abuse in that line that I know of or suspect.

The CHAIRMAN. State to the committee what the item of \$1,300,000, on line 73 in the Army appropriation bill, is for.

General MEIGS. The Quartermaster's Department is in this respect a sort of a residuary legatee of the Army, and if anything is necessary to be done which no other department has special legal authority to pay for, or which there is no special appropriation for, it is paid for out of this general appropriation.

The CHAIRMAN. State to the committee what that item cost last year.

General MEIGS. I can hardly separate the particulars in the item. Without some such provision somewhere in your appropriation bill we would be unable to pay for anything that was not expressly named, and no one can name all the million items of expense that occur in military operations.

Mr. HAWLEY. Your expenditure under that head is in accordance with Army regulations?

General MEIGS. Yes, but they are things which do not happen to be specifically named in any of the items of appropriation bills.

The CHAIRMAN. Who has the responsibility of hiring headquarters offices? Is the responsibility taken here, or is it taken by the department commanders?

General MEIGS. It is taken by the department and other commanders.

The CHAIRMAN. Does the quartermaster take the responsibility of fixing the places for offices of headquarters, or does the department commander take it?

General MEIGS. It is done by order of the department commander. He consults with the quartermaster and indicates the building which he prefers if it can be obtained cheap enough; and the quartermaster acts accordingly.

The CHAIRMAN. Then the responsibility rests with the department and division commanders?

General MEIGS. Yes, sir.

The CHAIRMAN. Have you ever looked into the question; whether these headquarters cannot be had at cheaper rates in these great cities?

General MEIGS. I have visited a good many of them, and I do not think that I can say anywhere that they are placed out of position; they must be in a business part of the city.

The CHAIRMAN. Why must they be?

General MEIGS. For the purpose of easy access. If any officer goes

to New York, and has business at headquarters, if headquarters are away up town, in the residence part of the city, the officer may be obliged to stay at an expensive hotel for a day or two longer than now to transmit his official business at headquarters.

The CHAIRMAN. Is it necessary that they should be in the most expensive and central part of the city? Take, for instance, Chicago. Is it necessary that the Army headquarters in that city should be where the rents are highest, and in the most costly and expensive buildings?

General MEIGS. Commanders of divisions and departments regulate in a great measure the whole of the expenses of the Army under their command. They award the contracts; the quartermaster advertises, but the commanding general really awards the contracts, except the most extensive general contracts, which are referred to the War Department with recommendation of the department or other commander for final decision, which is not made till the whole case has been examined by the Quartermaster-General, and reported on by him to the Secretary. The headquarters in Chicago have the control of the annual expenditure of ten or fifteen millions. That is a business large enough to require it to be done in a place accessible to busy business men. It would be possible to put the headquarters now at Chicago somewhere out on the prairie, but not convenient or economical.

The CHAIRMAN. There are a thousand accessible places in Chicago that might be had at reasonable rents.

General MEIGS. Every street in Chicago is accessible.

The CHAIRMAN. The simple question is, whether Army headquarters should be located where the rents are highest and buildings most expensive, or whether they might not be placed where they would be just as accessible, and not so costly.

General MEIGS. I consider it the duty of the commanding general of the department to get his headquarters offices at the most reasonable rates, and not to go into the most fashionable parts of crowded cities; but if a commanding general says that the building which he selects is the only one that will accommodate him and the Government, the quartermaster will be governed by his statement.

The CHAIRMAN. Have you any Army uniforms on hand?

General MEIGS. Yes, sir; a large quantity.

The CHAIRMAN. Cannot they be used ordinarily?

General MEIGS. We are using the trousers, they being of the same pattern as in the new uniform. The coats and blouses are obsolete, consequent upon the adoption, within the last year or two, of a new pattern of uniform. The clothing on hand was ordered by law last year to be sold by auction, but that was against my opinion and advice.

The CHAIRMAN. Would you advise the wearing of this old clothing now, until it can be used up in that way?

General MEIGS. My own opinion is that the old uniform with which we went through the war is quite as good as the new one, although the new one is a little better cut.

The CHAIRMAN. How much of this old uniform have you on hand?

General MEIGS. I think we have what has cost us probably six or seven millions of dollars, in clothing, and materials for clothing. We use the material still, and we use the trousers. A good deal of the material is not cut.

The CHAIRMAN. What part of that quantity consists in what will have to be sold?

General MEIGS. I think my annual report gives that information; but I cannot now charge my memory with the figures. It is a very con-

siderable amount. We sold, under the law, in last October, such of the obsolete clothing as was at Philadelphia for about \$500,000.

Mr. MACDOUGALL. What part of their cost did the articles sold bring ?

General MEIGS. Not over one-fifth part. The Treasury got the money, which went to miscellaneous receipts, but the Quartermaster's Department had a very great loss in it. Here [referring to his annual report] is a list of the quantity remaining on hand 30th last June.

The CHAIRMAN. Indicate to the committee the quantity of made clothing on hand, and which must be sold.

General MEIGS. On the 30th of June, 1873, we had two hundred and one thousand hats, and two hundred and forty-five thousand forage caps which are not of the present uniform and which have to be sold, three hundred and forty-eight thousand cavalry and artillery jackets, two hundred and eleven thousand uniform-coats, eight thousand sashes, two hundred and fifty-nine thousand lined flannel sack-coats, and three hundred and twelve thousand unlined flannel sack-coats. The great-coats are still used, and we have a large number of them. These statements are of 30th June, 1873. In October, 1873, such of these goods as were in the Philadelphia depot were sold for about \$500,000.

The CHAIRMAN. Can you give us the cost of these items of clothing ?

General MEIGS. I can. They were bought during the war; there is a statement from which I can tell you what they have cost. [Later, General Meigs, after examining the records of his Office, sent in a statement that the clothing and equipage sold in the years 1870 to 1873, for \$3,600,000, appears to have cost when purchased during the war, \$18,000,000; realizing thus at auction one-fifth of the original cost. But much of this was sold in a damaged condition, much of it in original packages, and all of it without warranty.]

The CHAIRMAN. State to the committee what part of their cost they would sell for.

General MEIGS. I do not think they would sell for more than 20 per cent. of their cost.

The CHAIRMAN. Are they in a good state of preservation, and can they be used ?

General MEIGS. Many of them are; some of them are moth-eaten. We are constantly examining them, and selling those that are injured.

The CHAIRMAN. Are you not spending a considerable amount of money in preserving them from moths ?

General MEIGS. We have been spending money for that purpose.

The CHAIRMAN. What is the success of the plan ?

General MEIGS. I think it is good.

The CHAIRMAN. Would you recommend a continuance of that system ?

General MEIGS. I think it had better be continued.

The CHAIRMAN. I see a proposition to have \$50,000 more appropriated for that purpose.

General MEIGS. That is to apply to certain clothing and material which is not to be sold. I have reported on the subject. After careful examination, I adhere to that report.

The CHAIRMAN. Where are those coats that you have pointed out as being on hand ?

General MEIGS. Mostly at Jeffersonville; those at Philadelphia have been sold.

Mr. THORNBURGH. Is none of this clothing issued to Indians ?

General MEIGS. No; the present law requires it to be sold; some Army

clothing, however, was turned over to Indians, but not within the last year. General Harney got quite a quantity at one time to give to the Sioux Indians.

Mr. NESMITH. What is the object of keeping this excess of supply of clothing on hand, which costs so much to take care of, and turns out to be worthless?

General MEIGS. A good deal of it does not turn out to be worthless. Every one must know that it is very difficult to preserve an article of woolen clothing for many years.

Mr. NESMITH. Why not purchase it from year to year?

General MEIGS. This clothing on hand is what is left over from the war. We were then furnishing thirteen hundred thousand men with clothing. The war stopped suddenly, and we had to close our contracts. That is the way in which all this clothing accumulated.

Mr. NESMITH. Why were not the supplies at Jeffersonville sold at the same time as they were in Philadelphia?

General MEIGS. The Secretary of War ordered the Philadelphia supplies to be sold last fall, year 1873, and that sale pretty well stocked the market. Then to meet any contingency or any delay in the furnishing of new clothing, it was decided to keep the stock at Jeffersonville for another season.

The CHAIRMAN. What amount of new uniforms have you on hand?

General MEIGS. Very little. We have enough to last till the 30th of June, and a very small surplus.

The CHAIRMAN. It would be necessary, then, either to use up the old made-up uniform, or to make new uniforms for the next fiscal year.

General MEIGS. Yes, sir.

Mr. ALBRIGHT. Would there not be a great saving to the Government if the clothing on hand at Jeffersonville could be used in furnishing supplies for the Indians?

General MEIGS. I do not think that we are bound to furnish the Indians with clothing. The Indian Bureau furnishes them with blankets, &c., but we have no old blankets.

Mr. HAWLEY of Connecticut. Might not the Indian Bureau have purchased these coats from you?

General MEIGS. I suppose so; but is it desirable that the Indians should be dressed in Army uniform? I think that very doubtful. I know that during the war many of our men were killed because the rebels were dressed in our uniform. I lost my own son in that way. I desire to say, in this connection, that, during the past year, we have sold so much of this clothing that there is no such thing as a general stock which would uniform the Army. There are many things which we do not have on hand and would still have to buy.

Mr. HAWLEY. Is the Quartermaster's Department allowed to furnish its employes with clothing, in payment for their services?

General MEIGS. No, sir.

Mr. HAWLEY. If allowed to do so, would not that be a saving?

General MEIGS. We have sold so much of this clothing that there is not a sutler at a military post who has not a quantity of it on hand, and who is not willing to sell it cheaper than we can issue it. Those coats that have been sold, have been sold at a dollar and a dollar and ten cents each; and many of the sutlers, who have held on to them, will sell them now for 50 cents each, whenever they can find a market for them. That was one objection I had to the sale of this clothing; it went right into the hands of sutlers, and the soldiers bought it from them at reduced prices. A soldier will buy a damaged coat from the sutler, and

then draw from the pay department the full price for a new coat. But that is pretty much over now; the change of uniform has put an end to it, and that is one cause of the complaints from the Army—that the clothing allowance is not large enough.

The CHAIRMAN. State, in connection with the item of \$150,000 for cemeteries, whether or not additional clerks and engineers and soldiers have been employed in your Department under the appropriation for erecting head-stones in the national cemeteries; and, if so, how many?

General MEIGS. Yes, sir. I cannot, from memory, give you the information as to the number. There is an officer now stationed here who has charge of the business of military cemeteries, including that of erecting head-stones. The clerks who are engaged in that work are paid out of the appropriation for military cemeteries, and the engineers who lay out the work, who supervise the construction of walls and lodges, are paid from the appropriation as part of the contingent expenses of such works. If you make an appropriation to build a custom-house that appropriation must pay the engineer who supervises the work, the foremen and clerks, as well as the laborers and mechanics and contractors.

The CHAIRMAN. What are these four clerks and five civil engineers employed at—what are they doing?

General MEIGS. The clerks are attending to the correspondence, examining the reports, preparing papers for examination, and keeping the records of expenses. They are in the office of Captain McGonigle, who has charge of the cemeteries. Congress passed a law directing us to surround every cemetery with a permanent inclosure of iron or stone, and also to build a permanent lodge at the entrance. That is a large business, as there are nearly one hundred cemeteries scattered over the United States.

The CHAIRMAN. The million-dollar appropriation for head-stones had nothing to do with that?

General MEIGS. No, sir; this is a separate matter.

The CHAIRMAN. Here are these five civil engineers, four clerks, and two messengers. Are they engaged in that duty?

General MEIGS. Some of them are. That question is up at this moment. I have a letter on my table not yet signed, addressed to the Secretary of War, advising him that the appropriation of the present year, for the management of the military cemeteries, is already pledged for so many walls and so many lodges. That it seems to be expedient to charge the cost of those who are engaged in making the revised lists of names for inscription on head-stones to be furnished to the contractors, to the appropriation for the head-stones. The law requires the head-stones to be all put up for a sum not exceeding a million dollars. The Secretary has made contracts, which will apparently make the money paid to contractors about \$800,000, and as the preparation of the lists, and all the incidental expenses relating to the setting up of the head-stones, is a fair contingent charge against them, I propose to submit to him the question, whether these expenses should or should not be charged. I should like to report to Congress that we have put up all these head-stones for \$800,000; but these are fair expenses, and if we have no other money, it is proper to charge them to that appropriation.

The CHAIRMAN. Cannot the head-stones be laid at the point where the ordinary head-boards are now laid? And is there not a sergeant at each cemetery to take charge of them?

General MEIGS. There are a great many errors and mistakes in the lists, owing to a great destruction of head-boards that have rotted and

been blown down and put up again; and some of the adjutant-generals of States have charged that the lists which we have prepared, with the best means at our command, are very imperfect, and do injustice to their States. Therefore we are determined, that before we put these head-stones in the cemeteries, some intelligent man shall go to each cemetery, and from the lists on record, from the boards themselves, and from the best information he can get, make an accurate list, from which the names shall be engraved upon the stone. They could be set up by a farmer, but the rows would be as crooked as a plow-furrow, while the engineers will make them run in straight lines. What costs a million is worth doing well.

The CHAIRMAN. Do the contracts for supplying these head-stones include the cost of setting them up?

General MEIGS. Yes; the head-stones are to be paid for when set up in place.

The CHAIRMAN. Is there no plat by which these head-boards were set up?

General MEIGS. We have plats, but they are more or less imperfect.

The CHAIRMAN. You think it is absolutely necessary to have five civil engineers employed in this work?

General MEIGS. Yes, sir; otherwise I should not have authorized employing them. I did without them some time, and I found that the inspector, who is appointed by order of Congress and who reports directly to the Secretary of War, found fault with the masonry that was done on the walls, and said that the contractors had been cheating the Government. I had endeavored to build these walls as well as the better class of farm walls, but with mortar. However, I became satisfied that I was not getting as good work as Congress desired, and had these civil engineers appointed. They are worked very hard and earn their wages.

The CHAIRMAN. Can you state the number of posts in your Department which you supply?

General MEIGS. The last weekly report of balances in the hands of officers showed reports from officers who had money disbursing for the Quartermaster's Department from forty-one posts in the Division of the Atlantic, thirty-three posts in the Division of the South, eighty-four posts in the Division of the Missouri, and thirty-seven posts in the Division of the Pacific. This makes, in all, two hundred and one disbursing officers who report balances on hand; and that number is a little less than the number of posts where quartermasters are, because there are some acting assistant quartermasters who do not disburse.

Mr. ALBRIGHT. Can you state how many persons are in the employment of the Quartermaster's Department, including officers, extra-duty men, and enlisted men?

General MEIGS. I cannot tell now. There has been a written report on that subject made from my office during my recent absence, which is doubtless with the committee.

Mr. ALBRIGHT. With the duty imposed on your office, I would like to know whether you have all the clerical force that you need?

General MEIGS. I can do with it, but I should like to have a larger force, in order to be able to settle these claims (if they continue to be settled in my Department) more rapidly and more promptly, and which would be discharged when the claims were finally disposed of.

Mr. ALBRIGHT. State whether you have not been compelled to detail clerks from the Third Auditor's Office to assist you in the examination and preparation of cases.

General MEIGS. We borrowed some at one time; but they have returned to the Third Auditor's Office. We used them for some months. The Third Auditor's Office had got ahead of us, and I borrowed some clerks from him, in order to make examinations, which these same clerks would have remade in the Auditor's Office. I had the work done by them in my office, and thus saved it being done twice.

Mr. ALBRIGHT. How far behind are you in the adjustment of claims?

General MEIGS. There are about twelve thousand claims still in my office, (I mean claims under the law of 1864,) which may be considered as not finally disposed of. All this examination has gone to the question of claims under the law of 1864, and the laws amendatory to that. There are many other claims that come to my office. Every claim against the service of the Quartermaster's Department for any number of years past, when presented, is sent to my office for examination before it is finally settled.

Mr. ALBRIGHT. Are there not many claims in other Departments the final disposition of which depends upon information to be derived from your Department?

General MEIGS. Many such are sent to us.

Mr. ALBRIGHT. Can you promptly give the information which is desired from other Departments on claims that are there for disposition?

General MEIGS. We can generally; our records are in a very good state, and we generally find information, if there is any to be found, on a claim belonging to the Quartermaster's Department. Every letter that comes to our office is put on file and preserved, and can always be found within five or ten minutes.

Mr. ALBRIGHT. Is the business of your Department on the subject of claims increasing or diminishing?

General MEIGS. I think it is about in *statu quo*; I do not think there has been any increase or diminution for the last two or three years. I wrote to a member of this committee giving him a statement of claims under the law of 1864 which have been filed in our office. We have had about thirty thousand of them, and they finally disposed of all but about twelve thousand.

Mr. MACDOUGALL. Have you asked to be released from the consideration of these claims?

General MEIGS. No, sir, I have not asked to be released—it is not for me to ask relief from any duty imposed by law—but I have advised members of Congress repeatedly that I thought the best way would be to make a peripatetic commission to go into the neighborhoods from which the claims came, and do justice at once.

Mr. MACDOUGALL. Do you prefer to have these claims go to the Southern Claims Commission?

General MEIGS. Personally I do, because it would relieve me from trouble.

Mr. ALBRIGHT. Does the changing of troops depend upon your decision?

General MEIGS. Only thus far: if there is any considerable change of station intended it is customary to send to the Quartermaster's Department to know whether we have money enough left under the appropriation for transportation to pay the expenses of the change; and if I am obliged to report that our appropriation is exhausted it may delay the proposed change. To change a regiment is a very expensive thing.

Mr. ALBRIGHT. It has been stated to the committee that troops cannot be exchanged from one section of the country to another because of objections coming from the Quartermaster's Department.

General MEIGS. I have read the testimony. General Sherman's statement is as to the matter of expense, not of authority. The law forbids us to spend money that is not appropriated; and if, when I have only \$10,000 left from the appropriation for transportation, I am asked my opinion as to a move of troops which would cost a hundred thousand dollars, I would say so; and that would prevent it, unless it were a case of absolute necessity.

Mr. ALBRIGHT. Do you know how much the transportation of troops last year cost?

General MEIGS. The whole appropriation has been expended on the transportation of troops and supplies.

Mr. ALBRIGHT. Do you know how much has been expended for the mileage of officers?

General MEIGS. I do not know; that is paid by the Pay Department; since the law of 1870 we make no payments to officers.

Mr. ALBRIGHT. If the money was all expended that was appropriated for transportation, did you have enough money for that purpose?

General MEIGS. There is going to be a small deficiency in the item for transportation. The estimate has already been sent in; nobody here can determine precisely what shall be spent for transportation. Every commanding officer has the right to send a soldier or an officer to the next post. Every commander can change his officers about, but great movements of troops, that cost large sums of money, are not made without the authority of the Secretary of War. Small movements, however, are made at the discretion of the department and the division commanders.

Mr. ALBRIGHT. How much did the Modoc war cost the Quartermaster's Department for the transportation of troops and supplies?

General MEIGS. I have had a rough estimate of that made. I have not had these charges fully posted up; it amounts to about \$335,000. Every report of this sort must be, in a great measure, a matter of judgment and estimate, because the expenditures are made by many different hands.

Mr. MACDOUGALL. How much would it cost to transfer a regiment of cavalry from Texas to Montana?

General MEIGS. It would cost probably a hundred thousand dollars.

Mr. ALBRIGHT. Would that include the transportation of the horses?

General MEIGS. A thousand men could scarcely travel that distance, (without their horses,) for less than a hundred dollars each. If you should let them march it would not cost so much; but during the months that they would be moving their pay would be going on, and that costs. A regiment of cavalry costs eight or nine hundred thousand dollars a year; and if it is occupied a whole year in marching you may call that the expense of transportation.

Mr. HUNTON. What are the actual expenses of officers' traveling?

General MEIGS. The expenses vary in different parts of the country. When officers travel by stage coach it costs about 25 cents a mile; when they travel by railroad it costs about 5 cents a mile; but everybody in the habit of traveling knows that the expenses of traveling are not confined to the actual fare. It appears to me that 10 cents a mile, which has been the custom of the country ever since I went to West Point in 1832, is not more than a fair allowance. I have had occasion to travel more or less, and I think that, by the time I come back, the amount that I received at 10 cents a mile does not more than pay my expenses, and replace the clothes which travel wears out.

Mr. HUNTON. Does not that allowance of mileage do injustice to some officers ; for instance, to those who pay 25 cents a mile by stage-coach ?

General MEIGS. Generally when officers travel by stage-coach we furnish them with transportation in kind by ticket, so that when the expenses of officers are very great they can take transportation in kind.

Mr. HUNTON. So that the 10 cents a mile is only taken when it covers expenses ?

General MEIGS. When officers are traveling on railroads, the sleeping cars and the meals on the road add considerably to the expense. A breakfast on most routes of travel costs \$1, and an officer's family and and home expenses continue. An Army cannot be officered entirely by bachelors, nor is it desirable that it should be.

The CHAIRMAN. What amount has been paid out in the last fiscal year for the interment of officers ?

Answer. A list of the cases on record, with the amount of the accounts for expenses authorized by the Secretary of War in each case, is furnished. The total amount appears to be \$5,169.36. General Canby, you will remember, owing to the peculiar circumstances of his death, which shocked the public, had a public funeral.

Expenses incurred in connection with the burial, &c., of deceased officers during the fiscal year 1872-73.

Name.	Place of death.	Date.	Amount.	Remarks.
Bvt. Maj. Gen. J. H. Carlton ..	San Antonio	Jan. 7, 1873	\$164 30	
Maj. Gen. G. G. Meade	Philadelphia	Nov. 6, 1872	640 98	
Brig. Gen. E. R. S. Canby .....	.....	Apr. 11, 1873	1,482 46	Modoc War.
Col. C. H. Fry	San Francisco	Mar. 5, 1873	235 00	
Maj. Simon Francis	Portland, Oreg.	Oct. 25, 1872	265 00	
Surg. J. E. Semple .....	.....	Aug. 27, 1872	346 80	En route from Dept. of Lakes to Dept. of Gulf.
General Canby, Capt. Evan Thomas, Lieutenants Howe and Wright .....	.....	Apr. 26, 1873	115 60	Modoc war.
Capt. Thomas and Lieut. Howe .....	.....	Apr. 26, 1873	297 00	Do.
Lieutenant Telford	Saint Paul, Minn.	Nov. —, 1872	204 60	
Lieut. M. C. Sanborne	Helena, Mont.	July 10, 1873	154 50	
Lieut. E. B. Northrup	Sioux City	Mar. 4, 1873	175 00	
Lieut. J. L. Graham	Louisville	Nov. 12, 1873	257 00	
Lieut. Thomas F. Wright .....	.....	Apr. 26, 1873	107 12	Modoc war.
*Capt. E. Thomas	Transportation	Apr. 26, 1873	357 00	Do.
Lieut. R. T. Stewart	do	Aug. 27, 1872	367 00	Killed by Apaches, Ariz.
Total .....	.....	.....	5,169 36	

The CHAIRMAN. What is the number of employés paid from the appropriation for headstones of last session, and what is their compensation ?

Answer. The number of employés paid from the appropriation for national military cemeteries, and their compensation respectively : Two clerks at \$150 per month each ; two clerks at \$125 per month each ; two clerks at \$100 per month each ; one clerk at \$65 per month ; one engineer at \$10 per day ; four engineers at \$5 per day each ; two draughtsmen at \$5 per day each. The engineers receive also an allowance of \$1.50 per diem for extra expenses when traveling on duty and absent from their stations.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1874.

SIR : In reply to inquiry of the Committee on Military Affairs, House of Representatives, as to the number of clerks and others engaged upon

the examination and settlement of claims against the Quartermaster's Department, presented under the act of July 4, 1864, I have the honor to state that it is estimated that the following clerks and agents paid from the appropriations of the Quartermaster's Department can be discharged in case of the transfer of such claims to the Southern Claims Commission, after such transfer is completed.

Employed by Major M. I. Ludington in this office, filing, recording, and briefing, and examining claims, and preparing them for final action of the Quartermaster-General: One clerk at \$150 per month; three clerks at \$133 per month; one clerk at \$116 per month; one clerk at \$100 per month.

Employed by Major Wm. Myers, depot quartermaster, Washington, D. C., on claims in Maryland and West Virginia, referred to him for investigation: One agent at \$130 per month; one agent at \$125 per month.

Employed by Lieutenant-Colonel J. A. Ekin, chief quartermaster Department of the South, on claims in Kentucky, Tennessee, and adjoining districts: Six agents at \$125 per month each.

Employed by Colonel S. Van Vliet, chief quartermaster Department of the Missouri, on claims in that Department: One agent at \$130 per month.

It will probably require six months to gather the claims in from the various officers to whom they have been referred for investigation, and to prepare those on file for transfer, during which time the services of the persons now employed upon their examination in Washington would continue to be necessary.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General United States Army.

Hon. JOHN COBURN,
*Chairman Committee on Military Affairs,
House of Representatives.*

WASHINGTON, D. C., *February 4, 1874.*

General HARNEY appeared before the committee in response to its invitation.

The CHAIRMAN. State the length and extent of your military service on the Indian frontier.

General HARNEY. The greater portion of my military service has been on the frontier, among the Indians.

The CHAIRMAN. What military department or division did you command?

General HARNEY. I never had the command of a division.

The CHAIRMAN. At what points in the present Indian country did you serve?

General HARNEY. From Florida to Dakota.

The CHAIRMAN. How long is it since you have been in command?

General HARNEY. It is some ten or twelve years since I have been retired from active service.

The CHAIRMAN. State with what Indian tribes you were brought in contact as a military officer.

General HARNEY. Principally with the Sioux and Cheyennes, and all the Indians of the plains, and the Florida Indians. I was very inti-

mately acquainted with the Sioux for a great many years, and have been stationed among the Winnebagoes, Menomonees, and other Indians.

The CHAIRMAN. The question has been discussed as to the management of Indian tribes by the Army, and as you have had great experience in command of the Army on the frontier, the committee desires to have your opinion as to whether the Army can manage Indian affairs better than, or equally as well as, the Indian Bureau?

General HARNEY. I think decidedly it can, and better.

The CHAIRMAN. Give your reasons.

General HARNEY. The Indians have more respect for the military, and more fear of them, and there would be less stealing. I must use plain words; I have seen so much of it, that I know the Indians are robbed continually. That, I think, is pretty well known, and I assert it positively. I know it of my own knowledge. That is the principal cause of Indian difficulties, I think. In fact, if we would keep our treaty stipulations with the Indians we would have no trouble with them. The Indians do not violate their treaty stipulations, except when they are driven to it by the whites.

The CHAIRMAN. Do you think that it is the disposition of the Indian tribes to observe treaty stipulations?

General HARNEY. Yes; I have never known but two instances in which they violated treaties. One was the case of the Sacs and Foxes, and the other the case of the Seminoles in Florida. They were treated with, and were to have gone west, but the Government did not require them to comply with the conditions of the treaty for many years, and by the time they were required to go west all the leading men who had made the treaty were dead, and the Indians of that day said that they were not going to obey a treaty which was made by "a parcel of old women." It was the same thing with the Sacs and Foxes. Ignorant as they were, there was some excuse for them, but still they were punished. We were fighting the Seminoles for about seven years.

The CHAIRMAN. Are these Indian wars incited by the settlers, or are they brought about by the Army?

General HARNEY. I never heard of any difficulty being brought about by the Army. It is principally the whisky sellers and the Indian agents that make the difficulty. The Indian agents go out there to make money, and do not care about the Indians but take care only to feather their own nests. Agents should never open a tierce, box, or any package till the Indians are all present to witness the operation. This would prevent any difficulty or trouble to the agents.

Mr. GUNCKEL. Of how many Indian agents have you such an intimate knowledge that you can speak advisedly of their characters?

General HARNEY. I cannot say how many. I have been a good deal among the Indians, and have been often present when goods were issued to them, but I had nothing to do with it.

Mr. NESMITH. You have had experience when the Indian tribes were under the management of the War Department, and you have had experience since they have been under the management of the Interior Department. Now, I would like to know your opinion as to which of these Departments is best qualified to take care and have general control of the Indians.

General HARNEY. The Army; there is no doubt about that at all. There cannot be any stealing in the Army.

Mr. NESMITH. From your knowledge of the Indian character, do you

believe that those people are to be controlled in any way except by fear of punishment?

General HARNEY. Yes, sir; kind treatment and *justice* can do it. They know what *justice* is, and they want it. If they are treated with *justice* we will never have any trouble with them.

Mr. NESMITH. Then it is your experience that the trouble grows out of the stealing of their annuity-goods?

General HARNEY. Yes, sir, principally; and out of whisky-selling.

Mr. NESMITH. How can you prevent the introduction of whisky among the Indians?

General HARNEY. If the commanding officer is worth a cent he can prevent it.

Mr. NESMITH. How would you do it?

General HARNEY. I would hang the whisky-sellers or shoot them. They are the very worst class of people on the frontier.

Mr. NESMITH. While the hanging process is going on, would it not be well to hang the men who steal the annuity-goods too?

General HARNEY. Decidedly.

Mr. MACDOUGALL. Was he an officer of the Army?

General HARNEY. Oh, no, sir; Indian agents are generally called majors.

The CHAIRMAN. Would it be safe to arm the settlers and let them take care of the frontier?

General HARNEY. I do not think it would.

The CHAIRMAN. Do you think if you could rid the country of whisky-sellers there would be no difficulty in the main?

General HARNEY. If you do that and do *justice* to the Indians at the same time, you will have no trouble.

The CHAIRMAN. As between fighting them and giving them kind treatment, which would you say was the preferable course?

General HARNEY. Kind treatment in the first place; then if we comply with our treaty stipulations, we will have no difficulty at all with them.

The CHAIRMAN. What do you think as to the policy of getting them on reservations, and taking good care of them?

General HARNEY. I have been in favor of it always. If the Indians had been treated properly, I do not think there would ever have been any difficulty.

The CHAIRMAN. State whether, in your opinion, the Government now furnishes supplies enough to comply with the treaties.

General HARNEY. I think that the Government does, if the Indians could get them.

The CHAIRMAN. Do you think that the Indians are now getting their full supplies under the treaties?

General HARNEY. I cannot say. I have been on the retired list ten or twelve years.

The CHAIRMAN. Is the policy of justice being carried out or not?

General HARNEY. I have had very little intercourse with the Indians lately, and I cannot tell. But I suppose we would not have had so much trouble with them if we had done them justice.

Mr. GUNCKEL. Have you been among the Indians for the last twelve years, so that, from your personal knowledge of Indian agents, you are able to make a statement as to their honesty?

General HARNEY. Yes; after I was placed on the retired list, I was kept on duty for three or four years.

Mr. GUNCKEL. Then, for the last eight years, since the Government

peace policy has been carried on, you have had no personal knowledge of Indian agents ?

General HARNEY. Not since I left the Indian country, and that was in 1866 or 1867, I think.

Mr. GUNCKEL. Then your statement a little while ago that the Indian agents all steal did not apply to Indian agents within the last eight years ?

General HARNEY. I did not mean to say that they *all* steal ; there may be many of them honest.

Mr. GUNCKEL. But you meant that statement to have reference to a period prior to 1868 ?

General HARNEY. Yes, sir ; and in 1868.

Mr. ALBRIGHT. You were a member of the Indian peace commission in 1868 ?

General HARNEY. Yes, sir ; I am not positive as to the date ; it was between '66 and '68, I believe.

Mr. ALBRIGHT. There were three other Army officers on that commission besides yourself ?

General HARNEY. Yes, sir ; General Sherman, General Augur, and General Terry.

Mr. ALBRIGHT. You visited the Indian country during the time you were on that peace commission ?

General HARNEY. Yes ; we made treaties with them in different places.

Mr. ALBRIGHT. From the investigations that you made at that time, did you come to the conclusion that the Indians were the wronged parties, or that the wars and troubles which had arisen with the Indians were caused by white men ?

General HARNEY. Decidedly so.

Mr. ALBRIGHT. What was that affair ?

Mr. HAWLEY, of Connecticut. You said that this cow had given out and been abandoned ?

Mr. ALBRIGHT. From your investigations on this peace commission you came to the conclusion that our Indian wars had resulted from outrages perpetrated upon the Indians ?

General HARNEY. I think I would be safe in saying that nine cases in ten. I am satisfied that if the Indians were to receive *justice* there would be no trouble. There ought to be some way of preventing whiskey-selling out of the Indian country.

The CHAIRMAN. Have you had any experience with Indian tribes beyond the Rocky Mountains ?

General HARNEY. I was sent to Washington Territory by the Government to pursue the Indians of various tribes. It was thought we were to have a general Indian war with them, but the matter was settled before I arrived.

The CHAIRMAN. What year was that ?

General HARNEY. That was about 1858 or 1860, I think.

Mr. NESMITH. You do not know how that war was brought on, do you ?

General HARNEY. No, sir ; I do not.

Mr. NESMITH. From your knowledge of the facts that you obtained after you arrived in the country, do you not recollect that it was through the murder of the Indian agent by the Indians that the war was brought on ?

General HARNEY. I forget now ; it was over when I arrived there.

I was sent over to punish them, and I would have done it. Of course I intended to make a winter campaign against them.

The CHAIRMAN. The question has come up as to the kind of troops that is most valuable to fight against the Indians. What is your judgment as to that? Is infantry needed as much as cavalry, or can cavalry be used alone against the Indians with better advantage?

General HARNEY. The cavalry alone can pursue them and catch them.

The CHAIRMAN. There is a double garrison at all of those posts on the frontier, about the same number of infantry as of cavalry, and some question has been raised whether as much infantry as cavalry was needed at those frontier posts.

General HARNEY. I think it is absolutely necessary to have some infantry at each post.

Mr. GUNCKEL. You stated a moment ago that you wanted Army officers to take charge of these matters, because soldiers never steal.

General HARNEY. I mean officers. The common soldiers have nothing to do with it; but there are exceptions of course among officers.

Mr. GUNCKEL. Human nature is so much the same, that, removed from the restraints of civilization and subjected to great temptation, would not Army officers and Indian agents be pretty much on the same level; that is, there would be exceptions among both classes.

General HARNEY. Certainly, but proper officers would be selected—it cannot be so with agents.

Mr. HAWLEY of Connecticut. You do not mean to admit that Army officers would be as liable to steal as Indian agents; you mean to stick to what you said, that Army officers would be better disbursing agents and managers than Indian agents would be?

General HARNEY. Certainly.

Mr. GUNCKEL. As a class, are they more honest than Indian agents?

General HARNEY. Why, of course.

The CHAIRMAN. Is your comparison with Indian agents twenty years ago?

General HARNEY. I do not think they were as corrupt then as they are now.

The CHAIRMAN. The proposition is to introduce the arts of civilized life among the Indians; to reform and educate them; to teach them agriculture and the mechanic arts. Do you think that the Army could do that as well as civil employes of the Government?

General HARNEY. If the Army officers had orders they would obey them, I think.

The CHAIRMAN. Do you think that they would be as well qualified to carry out that branch of the Indian service as civilians are?

General HARNEY. They would not act as teachers, but they would superintend all these things, and they would do it better than civilians, because they would have no interest except to do their duty.

WASHINGTON, D. C., February 14, 1874.

Gen. J. K. BARNES, Surgeon-General, United States Army, examined :

The CHAIRMAN. State whether or not any reforms are possible in your department, and any reduction of the force is possible, and in that connection give us a comprehensive view of your department as it now is.

General BARNES. The clerical force of the Surgeon-General's Office at



present consists of twelve civilian clerks, who are principally occupied in the Surgeon-General's Office proper, in the money and property divisions, and in the current business of the office; it also consists of one hundred and sixty-five enlisted men, classed as hospital stewards, authorized by the act of Congress of 1866, recognizing the Army. They are appointed by the Secretary of War, upon the recommendation of the Surgeon-General. This force is principally engaged in the record and pension division of the Surgeon-General's Office, the most important of their duties being to supply the Pension Bureau, Adjutant-General's Office, the Paymaster-General's Office, and Second Auditor of the Treasury, with official information of the cause of death or discharge of soldiers during the war. It is now proposed in the bill the draught of which was submitted to me by Mr. Williams, to dispense with the services of these enlisted men, and in lieu thereof to allow to the Surgeon-General's Office one chief clerk, two clerks of class 5, three clerks of class 4, three clerks of class 3, eight clerks of class 2, and one hundred and twenty clerks of class 1, twenty of whom shall be considered as temporary appointments, to be dispensed with as soon as the labor diminishes; one librarian, one chemist, one anatomist, one engineer, who will be required for the heating apparatus of the building, one messenger, ten assistant messengers, and twelve laborers and watchmen. This is instead of all the force now employed in the Surgeon-General's Office, and will make a reduction, according to Mr. Williams's calculation and my own, of nearly one hundred men. By the first of the next fiscal year I hope to be able with such a force as this to keep the work from falling behind, although with the force at work to-day we have got 2,000 cases behindhand. During the fiscal year ending June 30, 1872, we had inquiries relative to pensions, &c., 19,237; and during the succeeding year the number was 36,601, of which 11,880 were from the Commissioner of Pensions, 5,125 were from the Adjutant-General's Office, and 396 from miscellaneous sources.

Question. State what system of books and papers you have in that branch of your Office.

Answer. The mortuary records are made up of reports of medical directors after battles, monthly reports of sick and wounded, hospital registers turned over to the Office at the close of the war, and special reports of cases by medical officers. These records are both of the volunteer and of the Regular Army. A system of alphabetical classification became absolutely necessary, on account of the pressure for information. It was an immense labor, but all the original muster-rolls, sick reports, and special reports received at the Office are now thoroughly classified, transferred to registers, and safely stored in a fire-proof building in Tenth street, belonging to the Government, in the third story of which building the pathological collection known as the Army Medical Museum has been arranged for the use of the profession. This museum, however, has no possible reference to the work done in the building by the pension and record divisions. All of the services required in the museum proper are a sufficient number of men to keep it clean and preserve it from decay. Two or three men perform the services necessary; and one anatomist, whose work is in connection with the Office, prepares all the pathological specimens; that is all the force required in the museum. I got last year an appropriation of \$5,000 for the library, and \$5,000 for the museum.

Question. How many books have you in the library?

Answer. There are 30,000 titles, and it is the best medical library in the country. It is classified and catalogued upon the same plan as the Con-

gressional Library, it being considered the medical portion of the Congressional Library. That is the only way I can keep it up, and when a building is erected for the Congressional Library it will go into it.

Question. In regard to filling up your corps, how many officers do you need to make the medical department efficient?

Answer. I need sixty surgeons and one hundred and fifty assistant surgeons. There are to day one hundred and eighty-one posts, requiring many of them two medical officers. Then there are some twenty-five detachments that require medical officers. When the Army was reorganized, I went down in my estimate very low, and I put it at sixty surgeons and one hundred and fifty assistant surgeons. I want every man of them. The other day I got a somewhat complaining note from Gen. George Crook because I had sent him contract-surgeons instead of regulars, whom he could put on boards or leave in command of troops if necessary. There are some men now on duty as contract-surgeons who served very creditably during the war. A contract-surgeon has no military rank, and Army officers complain that it is prejudicial to military discipline to put them in command. There is no gain in point of economy in having contract-surgeons, nor in any other way; it is positively detrimental. It hurts the corps, and I want to get rid of the system as fast as possible. It is a thing that grew up during the war; for instance, if I send a contract-surgeon out to Arizona, he takes sick and throws up his contract and I have no hold on him. If a regular medical officer goes out there, it is his pride to serve there to the best of his ability to the end of his tour.

Question. Can you get a good class of physicians for contract-surgeons?

Answer. No, sir; unless, as is the case in many instances, they are looking forward to admission into the Regular Army. These are the best class of contract-surgeons, and I think I could fill the corps up in two or three years with competent men.

Question. If the Army was reduced to 25,000 men and a proportionate number of officers, would you need as large a force as you have now?

Answer. I would, unless they altered the distribution of the Army and concentrated it.

By Mr. GUNCKEL:

Question. What are the duties of a chemist and anatomist?

Answer. The chemist is in the laboratory of this Office, where drugs and liquors are examined before purchase; and both chemical and microscopical examinations of samples made for the Subsistence, Quartermaster, and Ordnance Departments and Signal Bureau. The anatomist I need in examination of cases that are sent here, and preparation of specimens for museum. If there is an important post-mortem occurring in the Army that needs close study, it is sent here. This is for the benefit of the profession and medical officers of the Army. I have for duty to-day fifty surgeons and ninety-one assistant-surgeons.

By the CHAIRMAN:

Question. Can you give the committee a statement of the number of officers at the different posts and stations?

Answer. I will try to do so hereafter. In the division of the Atlantic there are thirty-two posts, and West Point, Carlisle Barracks, and Fort Whipple; in the department of the Gulf 10, department of Dakota 21, department of the Platte 15, department of Missouri, including Jefferson Barracks and department of Saint Louis, 23; department of Texas 17, department of Arizona 13, department of California 13, department of Columbia 12, making a total of 181.

Question. State what buildings you occupy, and are they owned by the Government or rented ?

Answer. I occupy a portion of the building corner of Fifteenth street and Pennsylvania avenue; it is rented by the Government, at thirty-two hundred dollars a year. I occupy the building on Tenth street, formerly known as Ford's Theater, which, after the assassination, was purchased by a resolution of Congress, and turned over to the medical department to be made fire-proof and used for the safe storage of mortuary records of the war and the archives of the rebellion.

Question. State the former difficulties in filling up your corps with good physicians; would the best class apply in large numbers ?

Answer. The uncertainty as to vacancies and the small number to be filled from year to year, with the severity of the examination, has heretofore deterred applicants; but with certainty of appointment after satisfactory examination, assurance of promotion, and equality of standing with other staff corps, the most desirable class of candidates would present themselves in sufficient numbers to fill up the corps within three years. Since the stoppage of appointments and promotions, the difficulty has been to retain the best-qualified officers, the proportion of resignations since January 1, 1865, having been 20 per cent. of the corps, all of them from the younger officers.

LIST OF POSTS AND STATIONS OF MEDICAL OFFICERS, &c.

WAR DEPARTMENT, SURGEON GENERAL'S OFFICE,
Washington, D. C., February 18, 1874.

SIR: I have the honor to transmit herewith the list of military posts and stations in the United States, and the distribution of medical officers, as requested by you.

Very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General U. S. A.

Hon. JOHN COBURN,
Chairman of Committee on Military Affairs.

Posts and Stations in the United States.

Fortress Monroe, Va., one surgeon and one assistant surgeon.
Fort Whipple, Va., one acting assistant surgeon.
Fort McHenry, Md., one surgeon.
Fort Foote, Md., one acting assistant surgeon.
Plattsburgh Barracks, N. Y., one assistant surgeon.
Madison Barracks, Sackett's Harbor, N. Y., one surgeon.
David's Island, New York Harbor, one surgeon and one assistant surgeon.
Willet's Point, N. Y., one surgeon and one assistant surgeon.
Watervliet Arsenal, one acting assistant surgeon.
Watertown Arsenal, Mass., one acting assistant surgeon.
Frankford Arsenal, Philadelphia, Pa., one acting assistant surgeon.
Allegheny Arsenal, Pittsburgh, Pa., one acting assistant surgeon.
Kennebec Arsenal, Augusta, Me., one acting assistant surgeon.
Columbus Arsenal, Columbus, Ohio, one acting assistant surgeon.
Indianapolis Arsenal, Indianapolis, Ind., one acting assistant surgeon.
Detroit Arsenal, Mich., one acting assistant surgeon.
West Point Academy, N. Y., one surgeon and one assistant surgeon.
Fort Columbus, New York Harbor, one assistant and one acting assistant surgeon.
Fort Wadsworth, N. Y., one assistant surgeon.
Fort Hamilton, N. Y., one surgeon and one assistant surgeon.
Fort Wood, one surgeon.
Fort Porter, Buffalo, N. Y., one assistant surgeon.
Fort Niagara, Youngstown, N. Y., one assistant surgeon.
Fort Ontario, Oswego, N. Y., one assistant surgeon.
Fort Adams, Newport, R. I., one surgeon and one assistant surgeon.
Fort Independence, Boston Harbor, Mass., one assistant surgeon.

Fort Warren, Boston Harbor, Mass., one assistant surgeon.
 Fort Trumbull, New London, Conn., one surgeon.
 Fort Preble, Portland, Me., one surgeon.
 Fort Wayne, Detroit, Mich., one surgeon.
 Fort Brady, Sault Ste. Marie, Mich., one assistant surgeon.
 Fort Gratiot, Port Huron, Mich., one assistant surgeon.
 Fort Mackinac, Mackinac, Mich., one assistant surgeon.
 Carlisle Barracks, Pa., one surgeon.
 Washington Arsenal, D. C., one acting assistant surgeon.
 Pikesville Arsenal, Md., one acting assistant surgeon.
 Frankfort, Ky., one assistant surgeon.
 Lancaster, Ky., one acting assistant surgeon.
 Lebanon, Ky., one assistant surgeon.
 Chattanooga, Tenn., one assistant and one acting surgeon.
 Humboldt, Tenn., one assistant surgeon.
 Nashville, Tenn., one assistant surgeon.
 Huntsville, Ala., one assistant surgeon.
 Mount Vernon Barracks, Ala., one assistant surgeon.
 McPherson Barracks, Atlanta, Ga., one assistant and one acting assistant surgeon.
 Savannah, Ga., one assistant surgeon.
 Augusta Arsenal, Ga., one acting assistant surgeon.
 Saint Augustine, Fla., one assistant surgeon.
 Charleston, S. C., one assistant surgeon.
 Columbia, S. C., one surgeon.
 Louisville, Ky., one surgeon and one acting assistant surgeon.
 Newberry, S. C., one assistant surgeon.
 Yorkville, S. C., one assistant surgeon.
 Raleigh, N. C., one assistant surgeon.
 Fort Macon, N. C., one acting assistant surgeon.
 Fort Johnston, N. C., one assistant surgeon.
 Newport Barracks, Ky., one surgeon.
 Colfax, La., one acting assistant surgeon.
 Baton Rouge, La., one assistant surgeon.
 Fort Barrancas, Fla., one assistant surgeon.
 Greenwood, La., one acting assistant surgeon.
 Jackson, Miss., one acting assistant surgeon.
 Jackson Barracks, La., two assistant surgeons.
 Key West, Fla., one assistant surgeon.
 Little Rock, Ark., one acting assistant surgeon.
 New Orleans, La., one surgeon and one acting assistant surgeon.
 Saint Martinsville, La., one acting assistant surgeon.
 Rock Island Arsenal, Ill., one acting assistant surgeon.
 Fort Snelling, Minn., one surgeon.
 Fort Ripley, Minn., one acting assistant surgeon.
 Fort Abercrombie, Dak., one acting assistant surgeon.
 Fort Seward, Dak., one acting assistant surgeon.
 Fort Wadsworth, Dak., one acting assistant surgeon.
 Fort Totten, Dak., one acting assistant surgeon.
 Fort Pembina, Dak., one assistant surgeon.
 Fort Shaw, Mont., two acting assistant surgeons.
 Fort Ellis, Mont., one assistant and two acting assistant surgeons.
 Fort Benton, Mont., one assistant surgeon.
 Camp Baker, Mont., one acting assistant surgeon.
 Fort Buford, Dak., one assistant and one acting assistant surgeon.
 Fort A. Lincoln, Dak., two acting assistant surgeons.
 Fort Stevenson, Dak., two acting assistant surgeons.
 Fort Rice, Dak., one assistant and one acting assistant surgeon.
 Cheyenne Agency, Dak., one acting assistant surgeon.
 Fort Sully, Dak., one surgeon and one acting assistant surgeon.
 Grand River Agency, Dak., one acting assistant surgeon.
 Camp Hancock, Dak., one acting assistant surgeon.
 Fort Randall, Dak., one surgeon, one assistant and one acting assistant surgeon.
 Brulé Agency, Dak., one acting assistant surgeon.
 Omaha Barracks, Nebr., one surgeon and one acting assistant surgeon.
 Fort McPherson, Nebr., two acting assistant surgeons.
 North Platte Station, Nebr., one acting assistant surgeon.
 Sidney Barracks, Nebr., one assistant surgeon.
 Fort D. A. Russell, Wyo., one surgeon and one acting assistant surgeon.
 Cheyenne Depot, Wyo., one acting assistant surgeon.
 Fort Sanders, Wyo., one assistant surgeon.

Fort Bridger, Wyo., one assistant surgeon.
Fort Fred Steele, Wyo., one assistant surgeon.
Camp Stambaugh, Wyo., one acting assistant surgeon.
Camp Brown, Wyo., one acting assistant surgeon.
Fort Laramie, Wyo., one assistant and one acting assistant surgeon.
Saint Paul, Minn., one surgeon and two acting assistant surgeons.
Fort Fetterman, Wyo., one assistant surgeon.
Camp Douglas, Utah, one surgeon and one acting assistant surgeon.
Post of Beaver, Utah, one assistant and one acting assistant surgeon.
Fort Dodge, Kans., one assistant and two acting assistant surgeons.
Fort Hays, Kans., one assistant and two acting assistant surgeons.
Fort Larned, Kans., one assistant and one acting assistant surgeon.
Fort Leavenworth, Kans., one surgeon and two acting assistant surgeons.
Fort Lyon, Colo., one assistant surgeon and one acting assistant surgeon.
Fort Riley, Colo., one assistant surgeon and one acting assistant surgeon.
Camp Supply, Idaho, one assistant surgeon and two acting assistant surgeons.
Fort Wallace, Kans., one acting assistant surgeon.
Fort Bayard, N. Mex., one assistant surgeon and one acting assistant surgeon.
Fort Craig, N. Mex., one acting assistant surgeon.
Fort Garland, N. Mex., one acting assistant surgeon.
Fort McRae, N. Mex., one acting assistant surgeon.
Fort Selden, N. Mex., one assistant surgeon.
Santa Fé, N. Mex., one surgeon.
Fort Stanton, N. Mex., two acting assistant surgeons.
Fort Tulerosa, N. Mex., one acting assistant surgeon.
Fort Union, N. Mex., one assistant surgeon.
Fort Wingate, N. Mex., one assistant and one acting assistant surgeon.
Saint Louis Arsenal, Mo., one acting assistant surgeon.
Saint Louis Depot, Mo., one surgeon and one acting assistant surgeon.
Austin, Tex., one assistant surgeon.
Fort Bliss, Tex., one acting assistant surgeon.
Fort Brown, Tex., one assistant and one acting assistant surgeon.
Fort Clark, Tex., one surgeon, one assistant, and two acting assistant surgeons.
Fort Concho, Tex., one assistant and two acting assistant surgeons.
Fort Davis, Tex., one assistant surgeon.
Fort Duncan, Tex., one assistant and two acting assistant surgeons.
Fort Gibson, Tex., one acting assistant surgeon.
Fort Griffin, Tex., one assistant and two acting assistant surgeons.
Fort McIntosh, Tex., one acting assistant surgeon.
San Antonio, Tex., one surgeon.
Fort McKavett, Tex., one assistant and two acting assistant surgeons.
Fort Quitman, Tex., one acting assistant surgeon.
Fort Richardson, Tex., one assistant surgeon and one acting assistant surgeon.
Fort Sill, Ind. T., one assistant and one acting assistant surgeon.
Fort Stockton, Tex., one acting assistant surgeon.
Ringgold Barracks, Tex., one assistant surgeon and one acting assistant surgeon.
Camp Apache, Ariz., one assistant and one acting assistant surgeon.
Camp Beale's Springs, Ariz., one acting assistant surgeon.
Camp Bowie, Ariz., one acting assistant surgeon.
Camp Grant, Ariz., one assistant surgeon and one acting assistant surgeon.
Camp Lowell, Ariz., one assistant surgeon and one acting assistant surgeon.
Camp McDowell, Ariz., one acting assistant surgeon.
Camp Mojave, Ariz., one acting assistant surgeon.
Fort Whipple, Ariz., one acting assistant surgeon.
Fort Yuma, Cal., one assistant surgeon.
Rio Verde reserve, Ariz., one acting assistant surgeon.
Camp Verde, Ariz., one acting assistant surgeon.
Rio Colorado reserve, Ariz., one acting assistant surgeon.
San Carlos Indian reserve, Ariz., one acting assistant surgeon.
Presidio San Francisco, Cal., one surgeon and one acting assistant surgeon.
Alcatraz Island, Cal., one acting assistant surgeon.
Point San José, Cal., one assistant surgeon.
Benicia Barracks, Cal., one acting assistant surgeon.
Camp Bidwell, Cal., one acting assistant surgeon.
Camp Wright, Cal., one acting assistant surgeon.
Camp Independence, Cal., one assistant surgeon.
Camp Halleck, Nev., one acting assistant surgeon.
Camp McDermott, Nev., one acting assistant surgeon.
Fort Hall, Idaho, one acting assistant surgeon.
Camp Gaston, Cal., one acting assistant surgeon.

Angel Island, Cal., one acting assistant surgeon.
Fort Vancouver, Wash., one surgeon and one assistant surgeon.
Fort Walla-Walla, Wash., one assistant and one acting assistant surgeon.
Pueblo, Colo., one acting assistant surgeon.
Fort Cape Disappointment, Wash., one acting assistant surgeon.
Fort Boise, Idaho, one acting assistant surgeon.
Fort Colville, Wash., one acting assistant surgeon.
Fort Lapwai, Idaho, one acting assistant surgeon.
Fort Stevens, Oreg., one assistant surgeon.
Fort Klamath, Oreg., one assistant surgeon and one acting assistant surgeon.
Camp Harney, Oreg., one assistant and one acting assistant surgeon.
Camp San Juan Island, Wash., one acting assistant surgeon.
Camp Warner, Oreg., one assistant surgeon.
Sitka, Alaska, one assistant and two acting assistant surgeons.
Sioux City, Iowa, one acting assistant surgeon.

WASHINGTON, D. C., *February 14, 1874.*

Inspector-General R. B. MARCY, United States Army, examined.

The CHAIRMAN. State whether the number of officers and employés in your department could be reduced with advantage to the Government and to the Army.

General MARCY. I think not, for the following reasons:

The duties of the officers of this department extend to every branch of military affairs, comprising the inspection of troops, posts, depots, arsenals, camps, supplies, &c.; the inspection of the accounts and public property of disbursing and other officers; and investigations into military administration, discipline, &c.

Under the existing system the five inspectors-general receive their orders and perform their duties under the exclusive control of the Secretary of War and the General of the Army. The three assistant inspectors-general are attached to the headquarters of three military divisions, and receive their orders from the commanders of those divisions. The other division-commander and the department-commanders are supplied with acting assistant inspectors-general by details from the line.

I am at the head of the department, and all the reports of the inspectors-general are carefully examined by me, and extracts of all matters that are important for the Secretary of War, the General of the Army, or the heads of the different bureaus to know are made and furnished those officers.

Inspectors-General Sacket, Schriver, Davis, and Hardie, during the autumn of 1872 and the winter of 1872-'73, made thorough inspections of the departments of the South, the Missouri, and the Gulf, and part of Texas; and in the summer of 1873 they inspected the departments of Arizona, Texas, Dakota, and the Columbia.

This laborious service involved many thousand miles of wagon-travel, and embraced one hundred and seventeen different and widely-dispersed military posts, occupying each officer from seven to nine months.

Inspector-General Hardie was engaged for a considerable time in investigating war-claims in Montana. He also, at the request of General Schofield, performed certain inspection duties at the lava-beds during the Modoc troubles.

The reports from the assistant and acting assistant inspectors-general show that they have been actively and usefully occupied in inspection duties.

When an inspector is sent out to inspect a department, he is directed to call upon the commander of that department and ascertain if he wishes him to investigate any special matter within his command. If so, he reports the results directly to that officer.

Major Ludington, the junior officer of the department, is now absent in Europe on account of ill-health.

Our inspections during the past year have been very thorough, and they have disclosed some irregularities which perhaps would not otherwise have been brought to light.

The system of periodical inspections of disbursing officers' accounts, introduced by the Secretary of War in 1872, is similar to that contained in the bill recently introduced into the House by the chairman of the Military Committee.

From what I have stated it will be seen that the officers of the Inspector-General's Department have been constantly and arduously occupied in the performance of their multifarious duties. I do not, therefore, see how the number could be reduced with any advantage to the Government or the service.

Question. Have you any suggestions to make as to a more economical management of the Army in any of its branches? If so, please state them.

Answer. I have thought that if a material reduction in the expenses of the Army is absolutely necessary, that some of the civil employes might be dispensed with, provided soldiers are detailed on extra duty to perform the same service. Indeed, this is precisely what is now being done under the orders of the Secretary of War, but this of course diminishes the strength of the Army for military duty.

Question. Do you think the number of officers and men of the Army could be reduced with advantage?

Answer. The necessity for the protection of our extended frontier settlements against Indian depredations, and the vast mining interests involved, as well as the present threatening attitude of some of the Indian tribes—for instance, Red Cloud's band of Sioux, which is very numerous, and the Kiowas, who are supposed to be anything but friendly at this time—all, in my judgment, conduce to render it unsafe to make any material reduction in the Army.

I am somewhat familiar with the marauding propensities of the Kiowas, Comanches, and other kindred tribes in the southwest, and have witnessed some of the results of their fiendish barbarities. For example, in 1849, I made a road through the country embracing the head tributaries of the Colorado, Brazos, and Trinity Rivers, in Texas; as rich and beautiful an agricultural section for three hundred miles as the sun ever shone upon; and shortly afterwards military posts were established along this road, and farmers flocked there so rapidly that when I left it in 1854, a good part of the country was quite well settled up. But when I last passed over this section in 1871, to my astonishment I found it depopulated, the settlers having been murdered or driven away by the Indians above mentioned.

Question. Is that portion of the Army which is stationed on the lakes, the Atlantic sea-board, and the South needed there in as large numbers?

Answer. That is a delicate question for me to answer, as this matter is within the exclusive control of superior authority; there seems, however, to be no impropriety in my stating that the artillery regiments generally occupying the sea-board fortifications in time of peace, keeping them in repair, protecting public property, &c., and they are now,

as they always have been, available for our Indian and other wars, in which they have performed conspicuous service.

The troops garrisoning the lake posts doubtless exercise a salutary influence in restraining the tendencies of lawless border citizens, and thereby avert international complications. Although but one infantry regiment now occupies those posts, I have yet to see the first officer of any other regiment of this arm who is not constantly looking forward to the time when his regiment may be relieved from the rough service and hardships incident to army life at more distant frontier posts, and be permitted to garrison the lake stations for a year or two.

These posts afford healthy and economical places of respite and recuperation from hard frontier service or long exposure to the debilitating effects of malarious southern climates.

Question. If the Army is to be reduced would you reduce it simply in number of men, or would you reduce it likewise in officers and in organizations?

Answer. I would reduce the number of enlisted men only, and retain the skeleton organizations, so that in case it became necessary the forces could easily be supplemented and soon made effective.

Question. Do you think it practicable and advisable to reduce the number of permanent officers on the staffs, and fill their places by detail from the line?

Answer. Under the act of 1869 most of the staff-corps are now being materially reduced by casualties, and some of the vacancies in the lower grades might advantageously be filled by periodical details from the line, which would instruct a good many young officers in staff duties and render them available for extensive military operations in time of war, but the officers in the higher grades should have matured experience in their special branches of service.

Question. What would you think of adopting a system of having a chief of artillery, a chief of infantry, and a chief of cavalry, in addition to the present staff, subject to the direction of the Inspector-General?

Answer. I do not think it would be well to place them under the orders of the Inspector-General, but if they were made subject to the control of the General-in-Chief, I think the system might prove advantageous, as all the different arms of service would then have a representation at the headquarters of the Army. I would not, however, think it wise to attach them permanently to the staff, but I would detail them periodically from the regiments, which would hold out encouragement to other officers to qualify themselves for the details.

So far as a reduction of officers now holding position in the staff-corps is concerned, the results of my own observation and the reports of other inspectors go to show that their time is fully occupied in the performance of their duties. If, therefore, any reduction is made in the number of these officers, the work necessarily imposed upon those remaining would be too burdensome.

Question. State the mode of advertising in the Quartermaster's and Commissary Departments.

Answer. Whenever officers of these departments deem it necessary or advisable to advertise in newspapers, they forward through the heads of their departments to the chief clerk of the War Department two copies of the proposed advertisement, requesting authority to publish the same, and stating in what papers among those on the official list of the Department they should be published. Generally six consecutive insertions are allowed in a daily, or four in a weekly newspaper. All

bills for advertising have to be submitted to the Secretary of War for approval prior to being paid, and copies of the letters from the War Department authorizing the advertising to be done must also accompany the account. The Secretary of War designates the newspapers in which the advertising is to be done.

Question. State whether in your judgment, the compensation of officers should be a fixed sum provided by law, or is the present system of separate allowances for quarters, fuel, and forage, the best?

Answer. In my judgment, a fixed money allowance to Army officers, in lieu of quarters, fuel, and forage would prove unwise, as it could have only a partial practical application.

For example: Officers stationed in cities would be obliged to rent quarters and purchase fuel and forage; whereas, other officers of like grades and pay at frontier posts, where there are no private houses, or no settlements near, would not be able to rent quarters, neither could they from their pay well afford to purchase fuel and forage at the enormous rates paid at many of our remote posts.

The Government would, therefore, be compelled to provide these officers with quarters, and with forage if their horses are to be kept in condition for active field service. The aggregate of the pay and allowances of these officers would consequently be materially greater than the pay of the others.

The great variation of prices in different localities would also cause a money commutation allowance to work very unequally. In view of what I have stated, I deem the existing system as the most just and equitable that can be devised. I remark in this connection that Army officers do not regard these allowances as emoluments, but as articles to be used or consumed by them personally.

Question. Do you think there can be any saving to the Government by fixing the mileage of officers, say at actual expenses, instead of 10 cents a mile?

Answer. If I were ordered to New York city to-day and back to-morrow, my railroad fare would be less than 10 cents a mile, but upon some stage-lines in the West the fare is more than that. Should the change be made, and only actual traveling-expenses be allowed, which, by the ruling of the Treasury Department, only means actual fares upon railroads, &c., the officers would be considerably out of pocket at the end of every long journey. This would be particularly hard upon inspectors-general, for example, who often have to leave their families and travel six months at a time, during which they have to pay four or five dollars a day for board, lodging, portorage, &c.; whereas, if they were stationary, they would be nearly exempt from such expenditures. If all the necessary extra expenses incident to the journeys were allowed, such as board and lodging, the officers would, I think, be satisfied; but officers who are compelled, like those of my Bureau, to travel at least six months every year, if they had no other allowance but actual fare upon transportation-lines, would probably be out of pocket at the end of each year 20 per cent. of their pay.

Question. If a certain number of regiments, say five or six, are to be dispensed with and the regiments consolidated with others, would you advise a system of mustering out those officers, or of consolidation, by which they could be assigned to duty with existing regiments?

Answer. I would not think it advisable to muster out the officers for the reason that constant useful occupation can be found for them in the event of the indicated consolidation, and the ordinary casualties would soon absorb them into the remaining regiments.

Owing to the numerous details of line officers for various detached services, such as courts-martial, recruiting service, staff duties, &c., military posts and companies are often deficient in a proper complement of commissioned officers. I have rarely found more than two officers with a company, and posts garrisoned by two companies occasionally have but one or two officers present for duty, which, of course, sensibly impairs discipline and efficiency.

The officers of our present Army are for the most part men of enlarged military experience, and if they were disbanded it would be difficult to fill their places; besides, the moral tone of these gentlemen has been elevated by the expulsion from the service of those who were appointed after the late war and did not prove worthy.

Question. Could anything be gained by limiting the number of graduates of the Military Academy who go into the service?

Answer. I think not. The casualties of service, even should the Army be reduced as indicated, would be sufficient to provide for all the West Point graduates. Reducing the number to be retained in service would leave more vacancies to be filled from civil life and from the rank and file of the Army, but I doubt if this would compensate for the loss to the Government of the services of the young men who have received a thorough military training eminently qualifying them for the duties of commissioned officers. Besides, I am of opinion that the hope of entering the Army after graduating is the chief incentive to emulation in the corps of cadets, and if this prospect is taken from a portion of them, it would inevitably prove highly damaging to the future utility of the Military Academy.

WASHINGTON, D. C., *February 14, 1874.*

Gen. BENJAMIN ALVORD, Paymaster-General, appeared before the committee.

The CHAIRMAN. State whether you can suggest any reforms that could be made in your office by which the Government would save money.

General ALVORD. The proposition of Mr. William Williams for a change in the organization of the clerical force of my office was shown to me, and the printed document containing the programme was compared with some data that I sent to him calling for less expenditure than his original bill. I have not seen the new report that he has made since. The proposition that I made was in regard to changing the number of the grades and the number of clerks in each grade, and the number of employes lower than the clerks, such as watchmen, laborers, &c. I have not my memoranda with me, and cannot speak more definitely upon the subject. There are several enlisted men that are changed to messengers by the programme.

The CHAIRMAN. Do you need all the messengers that you have in your office?

General ALVORD. They are all of them actively employed and needed for prompt dispatch of public business.

The CHAIRMAN. Do the paymasters at posts need all the messengers they have?

General ALVORD. Yes; in each city there is one messenger employed by each chief paymaster, a single messenger, who is quite essential in

the discharge of the duties of the various paymasters in obtaining the mail, taking it to the office, sending to the banks, and to aid in movement of funds and securing promptitude in the transaction of business, and in sending information to other offices in the city.

The CHAIRMAN. State whether there are laborers employed as porters who have very little to do in your department.

General ALVORD. I do not know of any. The messenger performs the duty of a porter connected with the city offices.

The CHAIRMAN. State how many paymasters are now on duty in your department.

General ALVORD. There are forty-four paymasters and two assistant paymaster-generals. There are two deputy paymaster generals vacant, by the death of one and the retirement of the other. Of the whole number only one is absent, sick. He has been ordered before a retiring board in New York to be examined for retirement.

The CHAIRMAN. State whether there is a sufficient number of paymasters now on duty.

General ALVORD. There is not a sufficient number.

The CHAIRMAN. Give your reasons, if you please.

General ALVORD. The service is so arduous in Texas, Arizona, New Mexico, Oregon, and California, there is great want of more paymasters. The chief paymaster in Oregon resigned last September, and I could not obtain anybody to take his place. The paymasters in Oregon have very heavy duty, traveling to Forts Colville and Boise and Camp Warner, &c. In California the duties of paymaster are excessively severe. I know one that has made trips every two months to Northern California, in the interior, back of Humboldt Bay, with great labor and exposure; then he had to go down on the Union Pacific Railroad to Reno, and two hundred and eighty-seven miles south of that to Camp Independence; then back to the railroad and to Fort McDermitt, north, near the Oregon line; then back from that to the railroad and to Kelton, on the Union Pacific Railroad; and thence northeast to Fort Hall, in Idaho; thence back to San Francisco. He did all that every two months, with occasionally a partial relief. As for Arizona the climate and exposure are such that the paymasters ought to be changed often. I effected a change last summer for one officer, who had been several years on duty there, with great satisfaction. I had an application from another officer, indorsed favorably by General Schofield and by the chief paymaster there, but I cannot give relief to him because there is nobody to send to fill his place. You must bear in mind that to give this relief it often requires somebody to take the place of the officer sent, and we have not enough to accomplish the duty of exchange.

The CHAIRMAN. How many paymasters have you in New York City?

General ALVORD. There are three besides Colonel Brown, assistant paymaster-general.

The CHAIRMAN. How many have you here?

General ALVORD. There are three here. I should say that one of those in New York, Major Halsey, was sick, and reduced by disease, but he applied to go on duty, and has been placed in New York, but I do not think he can do much. There are in the whole department but three sick, and one severely injured three weeks since by a fall on the ice, which is a small number compared with what might be expected.

The CHAIRMAN. Could not those do duty in the field?

General ALVORD. There are three that cannot.

The CHAIRMAN. How many paymasters have you in Chicago?

General ALVORD. One.

The CHAIRMAN. How many in Louisville?

General ALVORD. One assistant paymaster-general and two paymasters. They have to travel through the entire South. I have had to reduce the paymasters at points formerly occupied by them, and where there still ought to be one. There is not one at Saint Louis, that great center where officers often want pay, and discharged soldiers.

The CHAIRMAN. How many at Leavenworth?

General ALVORD. There are more at Leavenworth, as that is the headquarters of the Department of the Missouri. There are two there, Major Brock and Major Vedde, besides Major Hunt, chief paymaster. The latter, ten days ago, had a fall on the ice, to which I referred above, and the accounts are very unfavorable for his recovery. A paymaster has been detached from Omaha to take his place.

The CHAIRMAN. How many are on duty at Omaha?

General ALVORD. Only one, Major Smith. There are others in that department—one at Cheyenne and one at Salt Lake City—but in the city of Omaha there is only one. We should have another there for payment of the detachments north and south of the railroad. In the spring it is absolutely necessary. In the dead of winter I have moved Major Terrell and put him temporarily at Leavenworth, though he will be wanted in Omaha in the spring. Every spring there are detached camps sent out for the protection of the remote settlements. They are pushing settlements in Nebraska southwesterly and northwesterly. The commanding general puts troops in front of the new settlers, and there the troops must be paid. The language above used, that I moved Major Terrell temporarily to Leavenworth, requires qualification. I recommended his removal to the Secretary of War, from whose office the orders proceed. Such is the present system. The paymasters are not ordered from stations by my orders, but I make recommendations as to such movements from one department to another. Within the department each department commander moves him at will.

The CHAIRMAN. In your opinion what number is needed to fill up your corps so as to have it sufficient for the present Army?

General ALVORD. Preserving the organization as it is, I believe that there should be fifty-two paymasters of the rank of major, two assistant paymaster-generals of the rank of colonel, and two deputy paymaster-generals of the rank of lieutenant-colonel, besides myself. This force is needed owing to the geographical distribution of troops, without reference to the number of rank and file. If that should be reduced, the number cannot be materially changed, because they would be scattered just as they are now. The stations must be kept up, and the necessities of the Pay Department will be just as urgent, unless we should return New Mexico and Arizona to Mexico, as General Sherman proposed.

The CHAIRMAN. Can your paymasters dispense with any clerks?

General ALVORD. Each has one clerk, and he is indispensable. The chief paymasters occasionally have received permission to have an extra clerk at department headquarters.

The CHAIRMAN. Please state the number of clerks, &c., that are needed in your department, and their classes.

General ALVORD. The following is my recommendation, and is the number actually needed for the public business:

1 chief clerk.....	\$2, 500
2 clerks of class five, at \$2,000.....	4, 000
5 clerks of class four, at \$1,800.....	9, 000
8 clerks of class three, at \$1,600.....	12, 800

*21 clerks of class two, at \$1,400	\$29,400
†12 clerks of class one, at \$1,200	14,400
1 messenger, at \$1,000	1,000
4 assistant messengers, at \$840	3,360
5 watchmen, at \$720	3,600
2 laborers, at \$720	1,440

61

81,500

The CHAIRMAN. Please state whether if the Army is reduced, say, five thousand men, and a proportionate number of officers and organizations, the number of paymasters and officers of the Pay Department that you have mentioned would be necessary?

General ALVORD. I think that the geographical distribution of the troops must necessarily remain the same, considering the wants of the frontier, and that therefore little or no change could be made in the number.

Mr. GUNCKEL. Suppose the troops were withdrawn from the South, would not that make a modification?

General ALVORD. I do not see how they can be reduced there. Atlanta has already been abandoned as a paymaster's station; the paymaster there, Major Canby, was a year ago ordered to Oregon.

The CHAIRMAN. Suppose the troops are largely withdrawn from the lakes, Atlantic coast, and the South; would not that enable you to reduce the force?

General ALVORD. There is but one paymaster on the lakes, at Detroit. Unless you strip the Canadian frontier entirely he ought to stay there.

The CHAIRMAN. Can you tell me the number of paymasters in the lake region and along the Atlantic coast?

General ALVORD. In the Division of the Atlantic, commanded by Major-General Hancock, there is one assistant paymaster-general, N. W. Brown, and five paymasters; three in New York, one at Detroit, and one nominally at Philadelphia. I say nominally, for Maj. J. P. Bruce has had a stroke of paralysis and is unfit for duty.

The CHAIRMAN. Please proceed south from there along the Atlantic coast; what number have you, reaching as far around as New Orleans?

General ALVORD. In the Division of the South, under Major-General McDowell, one assistant paymaster-general at Louisville, and two paymasters; one paymaster at Charleston, S. C., and in the Department of the Gulf two paymasters at New Orleans.

The CHAIRMAN. Does that include all the paymasters in the lake district, Atlantic coast, and South, to New Orleans?

GENERAL ALVORD. It does.

The CHAIRMAN. And here, too?

General ALVORD. No; the paymasters in this city only pay in the District of Columbia and are not under the command of a division commander. The paymasters of this city have incessant labor and all of them work more or less after office-hours.

Mr. GUNCKEL. You say that notwithstanding the reduction of the Army you would still want about fifty paymasters, or about one to five hundred men; is that necessary?

General ALVORD. If they were concentrated it would be a different thing.

* Three of whom shall be temporary.

† Two of whom shall be temporary.

Mr. MACDOUGALL. What is the particular need of having so many paymasters in New York ?

General ALVORD. One is stationed in the city all the time performing local payment, as it is called, paying officers, discharged soldiers, &c.; one goes to Fort Monroe; another travels to Maine to make payments; and another goes to Sackett's Harbor, Plattsburgh, &c. But the last one is only on duty at his own request, as he is sick.

Mr. GUNCKEL. What is about the average pay that the Government gives to a paymaster, including allowances for everything ?

General ALVORD. That will depend on the length of service. The salary increase terminates with twenty years' service. The majority of the paymasters served during the war and since, so that their service-average would be for about ten years' service, and the pay of a major of ten years' service is \$250 per month. That is about as fair an average as I can give.

Mr. GUNCKEL. Does that include quarters, forage, fuel, &c. ?

General ALVORD. No, sir.

Mr. GUNCKEL. Can you average those ?

General ALVORD. I suppose the average for those allowances of the Quartermaster's Department would be about \$110 a month, as near as I can give it, though that is a rude conjecture. That would be about \$4,320 a year, including everything.

Mr. GUNCKEL. That would be about \$216,000 per annum for the fifty paymasters. What I want to ask is this: If you had the contract to pay the Army, 25,000 in number, as it is to be, and scattered as it is, could you not pay them equally well for a less sum than that per year ?

General ALVORD. In reference to that I would say the payment requires more than the payment on one occasion. It requires an apparatus for time of war, for efficiency, and a knowledge of the interpretation of the laws. Legislation has increased so in reference to all questions connected with the Pay Department that it requires the utmost vigilance to know what the laws are and how to interpret them. New questions arise, as they will in the legal profession, every month of our lives. I mention this to simply suggest that to execute the duty of paying the troops requires skilled labor, mental application, high character and integrity, which can only be attained by a corps of paymasters such as have existed since 1821. Prior to that, and during the war of 1812, the system of payment, if system it could be called, was hap-hazard. Sometimes civilians were employed; sometimes company commanders paid. In the war of 1812 there were some regimental paymasters, and it was found that the percentage of loss to the Government by defalcations and by immature experience in the discharge of their duties was startling. Gen. Nathan Towson, under Mr. Calhoun as Secretary of War, devised the present system of organization of the Pay Department, giving rank, respectability, and permanency to the position, and it must be said that the experience of half a century has justified the prophecy of Mr. Calhoun as to the propriety of the system adopted. The percentage of loss during the Mexican and civil wars was trifling in comparison with the percentage of loss during the war of 1812, and I have given the statistics very fully in the pamphlet I have handed you. They were given in answer to interrogatories before this committee in the month of March, 1872. My opinion is that the present system is the best and most economical to the Government of any that could be devised.

A concise statement of these statistics is as follows:

Disbursements of Pay Department during the civil war	\$1, 100, 000, 000
Outlay for said disbursements, including defalcations, losses, &c.	6, 000, 000
Defalcations, losses, &c., (a high estimate).....	1, 000, 000

Outlay during war of 1812:

For expenses	1. 3 ^d per centum.
Defalcations	2. 9 th per centum.

Total cost of paying troops, expenses, defalcations and all losses.... 4. 36 per cent. of amount disbursed in the war of 1812, and up to 1821.

Ditto in civil war, less than $\frac{1}{2}$ of 1 per cent., or six times less.

Defalcations and losses in war of 1812, about 3 per cent.

Defalcations and losses in civil war, $\frac{1}{10}$ of 1 per cent., or thirty times less.

Mr. GUNCKEL. Applying, then, the principles of every-day business life to these payments, there could be no reduction safely made, in your opinion?

General ALVORD. I think not. I will say that the members of my corps, taking the majority of them, are fit to be bank-presidents and bank-cashiers, and to handle money. They are men of capacity, men who can study the law and make the necessary interpretations on questions that arise. Oftentimes important and delicate questions come up at remote points, and it is necessary to decide them at once, without waiting to communicate with the Department here. To know what is the law and the last interpretation of the law, and to execute the same promptly and impartially, is the first business of my office, and of every paymaster. And this is the only way in which the Treasury can be properly guarded.

Mr. GUNCKEL. How much bond does each one give?

General ALVORD. They give bond for \$20,000, and their sureties justify to double that amount.

Mr. MACDOUGALL. These payments to troops are all made on muster-rolls, and payments to officers on pay-rolls; these troops are all mustered by competent officers detailed for that purpose on account of their peculiar qualifications for that duty, and the paymaster takes those rolls, examines them, and pays on them. Does that require a great deal of legal ability?

General ALVORD. Those rolls are not made out by the company commander in full; the paymaster has to carry out the dollars and cents, the amount due at his desk, or before payment. The stoppages must be deducted, some arising from courts-martial, requiring a nice knowledge of decisions of the Judge-Advocate General. A large share of the payments are not on rolls, but on individual vouchers, as per bounty, mileage, discharged soldiers, &c. The phases of interpretation for payment of bounty were multitudinous. As late as 1869 thirty-eight millions were disbursed for bounty and back pay alone; and if you will take a copy of the paymaster's manual, which your chairman has in his possession, and the octavo volume of Second Comptroller's Decisions, you will see what an accumulation of decisions of the law-officers of the Government, from the Attorney-General down, as well as those of the War Department, has to be in the mind of the party who pays, or he will soon find, by disallowances and statements of differences from the Auditor of the Treasury, how he will get himself into trouble.

Mr. GUNCKEL. Would you not obviate that difficulty by paying to each officer an amount that will include everything; a round sum in dollars and cents?

General ALVORD. The necessity for this vigilance and for this office-knowledge could not be avoided, unless the powers of Congress are

abolished and we have a Czar of Russia to give us laws. These intricate questions are inevitable from the continual changes of law. A disregard of them would be no economy, but the reverse. The vigilance exercised is needed to save the Government from improper and illegal payments. The Czar might start with the "round sum" to each, but to do himself justice he would soon have to look to the interpretation and execution of his laws, or his treasury would be depleted.

M. MACDOUGALL. Do you not think it possible to so adjust the pay of the Army that each officer would receive a fixed amount that covers everything, doing away with the commutation of rations, forage for horses, servants, fuel, &c.?

General ALVORD. The law of 1870 has already changed all that, and there is now a fixed basis of pay, as shown in the table in the Army Register. The matters of fuel, forage, and quarters, do not belong to the Pay Department, but the Quartermaster's Department, and we are happily rid of any of them.

Mr. MACDOUGALL. I would be glad to have your opinion, as Paymaster-General, whether it would not be well to do away with these allowances and fix the pay of officers, from the general down, at a certain, specific sum, and let them hire their own quarters, furnish their own horses, &c., and adjust the pay so that they will be able to do it.

General ALVORD. I wish specially to call your attention to the fact that the matter of servants and all the subdivisions of pay are wiped out now. Our pay-account is simple. The other matters you speak of belong to the Quartermaster's Department. I think the operations of an army require that these allowances should be furnished in kind and not in money, according to the wants of the service. They should be furnished sometimes in money and sometimes in kind, as the necessity of the service requires. In 1870 it was a matter of mature consideration in both Houses of Congress to make the scale of pay lucid. We desired that all should be able to see the exact amount of compensation, but in my judgment such are the wants of an army in time of war (and the whole machinery of an army must be arranged for the operations of war) that the subject of quarters, fuel, and forage should remain on its present basis. The gradation of the number of rooms according to rank is the only practical mode of arriving at the amount an officer should receive for quarters.

Mr. MACDOUGALL. Don't you think great abuses arise out of that system?

General ALVORD. I don't know of any; unless you would force an officer to keep house, and authorize the Quartermaster's Department to hire him quarters and compel him tyrannically to live in them, and never to go into a hotel or boarding-house. I don't see how you are to arrive at the gradation of quarters to be furnished different ranks, except by the rule now adopted in General Orders of the War Department. (See extract from General Orders No. 96, of 1870, appended.)

VII. The commutations for fuel and quarters heretofore allowed to officers of the Army not furnished in kind, having been abolished by section 24, act of 15th July, 1870, in cases where buildings suitable for officers' quarters are not owned by the United States, the Quartermaster's Department will, whenever practicable, rent for each officer a number of rooms, and at a rate per month per room not exceeding in the aggregate that now established by regulations and orders; but whenever, for good and sufficient causes, an officer is quartered in a lodging-house or hotel where the rental of a full allowance of rooms would be costly, a sum not exceeding that above specified for an officer of his rank may be paid to the proprietor for the accommodations so furnished.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Mr. MACDOUGALL. But would it not be better to give an officer so much money, and then he can live in a palace or in a tent, just as he pleases?

General ALVORD. Sometimes they are furnished in kind, but in war there are long intervals between active operations, and officers are in cities or places where quarters must be hired, and there must be some system of supplying them. In the Mexican war and in the civil war there were such periods, and officers were detailed on a variety of services at places where quarters must be hired.

The CHAIRMAN. I would be obliged if you would furnish the committee, at as early a day as practicable, with a table showing what is the average, individual, yearly increase of pay under the law of 1870, of officers of each grade.

General ALVORD. I will do so.

The CHAIRMAN. If you have any suggestions to make on the subject matter we have been considering, you may make them.

General ALVORD. I feel bound to repeat that I am reduced to extremity in the department for the want of more paymasters, because the act of the 5th of July, 1838, taken in connection with the act of 4th of July, 1836, forbids the detail of officers of the Army as acting paymasters. The law of 1836 allowed their detail when there were volunteers or militia in the service—one for two regiments. As there are no volunteers now in the service, no authority exists in the War Department to detail officers of the Army as acting paymasters, (and in that event the law forbids their separation from their companies,) and thus no resource is left to us but application to Congress for an increase of the number of officers.

Mr. MACDOUGALL. Is it necessary to have all your officers of the grade of major; could not some be of the grade of captain?

General ALVORD. I believe that the present system induces men of a higher stamp of integrity, efficiency, respectability, and responsibility to enter the service than would enter if the rank was lower.

LETTER OF PAYMASTER-GENERAL AS TO AGGREGATE PAY OF OFFICERS
AND SOLDIERS.

PAYMASTER-GENERAL'S OFFICE, WAR DEPARTMENT,
Washington, 1874.

SIR: In reply to your inquiry of 15th instant I would state that the aggregate pay of the officers of the Army for the last fiscal year was \$4,086,551.91; and the aggregate pay to enlisted men for the same period was \$4,080,124.53.

Very respectfully, your obedient servant,

BENJ. ALVORD,
Paymaster-General, U. S. A.

Hon. JOHN COBURN,
House of Representatives.

LETTER OF PAYMASTER-GENERAL AS TO PAY AND INCREASE ANNUALLY
OF PAY OF OFFICERS.PAYMASTER-GENERAL'S OFFICE, WAR DEPARTMENT,
Washington, 1874.

SIR: I have the honor to acknowledge the receipt of your letter of inquiry of the 24th instant, and to inclose the following reply:

I inclose herewith a table of the yearly and monthly pay of officers of all grades, as paid by the Pay Department, and will add that there is no difference between the pay of officers serving in the field with troops and that of officers on other active duty.

By act of 15th July, 1870, longevity rations ceased, and a salary increase or percentage for every five years' service (under certain limitations) was substituted. The average amount paid yearly for increase of pay is \$578,730.

The inclosed table of the pay of the Army exhibits the yearly compensation of retired officers.

The average amount paid yearly for increase of pay to retired officers is \$73,710.

The total annual compensation paid to officers on duty in Washington—say for the year 1873—by the Pay Department, is \$255,930.12.

Very respectfully, your obedient servant,

BENJ. ALVORD,
Paymaster-General, U. S. A.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs,
House of Representatives.

Statement of Paymaster-General showing the average individual increase or percentage of the pay of officers, United States Army, of each grade.

Grade.	Average monthly increase.	
	Active list.	Retired list.
Colonel.....	\$81 98	\$53 56
Lieutenant-colonel.....	74 58	56 03
Major.....	61 15	57 29
Captain, mounted.....	27 89	15 28
Captain, not mounted.....	27 82	15 57
Regimental adjutant.....		
Regimental quartermaster.....	15 35	10 00
First lieutenant, mounted.....		
First lieutenant, not mounted.....	14 31	5 20
Second lieutenant, mounted.....		
Second lieutenant, not mounted.....	5 52	6 56
Chaplain.....	14 17	18 71

BENJ. ALVORD,
Paymaster-General, U. S. A.

PAYMASTER-GENERAL'S OFFICE, February 17, 1874.

Pay of the Army, under act of July 15, 1870.

Grade.	PAY OF OFFICERS IN ACTIVE SERVICE.					PAY OF RETIRED OFFICERS.							
	Yearly pay.	Monthly pay.	Monthly pay.				Yearly pay.	Monthly pay.	Monthly pay.				
			5 years' service.	10 years' service.	15 years' service.	20 years' service.			5 years' service.	10 years' service.	15 years' service.	20 years' service.	
General	\$13,500 00	\$1,125 00	10 per ct.	20 per ct.	30 per ct.	40 per ct.							
Lieutenant-General	11,000 00	916 67					\$5,635 00	\$468 75					
Major-general	7,500 00	625 00					4,195 00	343 75					
Brigadier-general	5,500 00	458 33					2,695 00	218 75					
Colonel	3,500 00	291 67	\$390 83	\$350 00	\$375 00	\$375 00	2,695 00	218 75	\$240 62	\$269 50	\$281 25	\$281 25	\$281 25
Lieutenant-colonel	3,000 00	250 00	275 00	300 00	325 00	333 33	2,250 00	187 50	240 62	269 50	281 25	281 25	281 25
Major	2,500 00	208 33	229 17	250 00	270 83	291 67	1,875 00	156 25	171 87	187 50	203 12	218 75	218 75
Captain, mounted	2,000 00	166 67	183 33	210 00	216 67	233 33	1,500 00	125 00	137 50	150 00	162 50	175 00	175 00
Captain, not mounted													
Regimental adjutant	1,800 00	150 00	165 00	180 00	195 00	210 00	1,350 00	112 50	123 75	135 00	146 25	157 50	157 50
Regimental quartermaster													
First lieutenant, mounted	1,600 00	133 33	146 67	160 00	173 33	186 67	1,200 00	100 00	110 00	120 00	130 00	140 00	140 00
First lieutenant, not mounted	1,500 00	125 00	137 50	150 00	162 50	175 00	1,125 00	93 75	103 12	112 50	121 87	131 25	131 25
Second lieutenant, mounted	1,400 00	116 67	128 33	140 00	151 67	163 33	1,050 00	87 50	96 25	105 00	113 75	122 50	122 50
Second lieutenant, not mounted	1,300 00	108 33	137 50	150 00	162 50	175 00	1,350 00	112 50	123 75	135 00	146 25	157 50	157 50
Chaplain													

* The maximum pay of a colonel is by the law \$4,500 per annum; hence, less than full 40 per cent. can accrue.

† The maximum pay of a lieutenant-colonel is by the law \$4,000 per annum; hence, less than full 40 per cent. can accrue.

1. Aid to major-general, \$200 per year in addition to pay of his rank, not to be included in computing the service increase.
2. Aid to brigadier-general, \$150 per year in addition to pay of his rank, not to be included in computing the service increase.
3. Acting commissary of subsistence, \$100 per year in addition to pay of his rank, not to be included in computing the service increase.

1. Retired officers receive 75 per cent. of pay (salary and increase) of their rank, but no increase accrues for time subsequent to date of retirement.
2. A retired chaplain receives three-fourths of the pay (salary and increase) of his rank, (captain, not mounted.)

WASHINGTON, *February 14, 1874.*

General JOSEPH HOLT, Judge-Advocate-General United States Army, examined.

The CHAIRMAN. State whether or not there can be any reduction made with advantage to the Government in the Bureau of which you are the head ?

General HOLT. The Bureau consists, as you are aware, of one Judge-Advocate-General and one assistant judge-advocate-general, and has the supervision of the corps of judge-advocates, eight in number, who perform their duties under its direction. These judge-advocates are distributed over the country at military headquarters where their services are most needed. The number has been much reduced from what it was during the war. At present these officers are stationed, one of them at New York, one at Louisville, Ky., one at Saint Paul, one at Omaha, one at Leavenworth, one at San Francisco, and two are on duty in the Bureau of Military Justice. Those points have been selected where the largest amount of business existed, and where it was thought the performance of their appropriate duties would most advance the interests of the military administration. Of course the number could be reduced, but I believe the reduction would be followed by a corresponding loss to the service in one of its important fields of duty.

Question. State the character of business submitted to them—to the judge-advocates in your Bureau.

Answer. These judge-advocates are all lawyers by profession, and have also been connected with the military service; with one exception, they were in the field during the late war, some of them with troops, through almost the whole period of hostilities, and some resigned commissions in the line of the Regular Army to accept their present offices. They are stationed in the different departments with a view of legally advising the commanders thereof; with a view of directing the preparation of charges and specifications against soldiers and officers who are to be arraigned before military courts, and in difficult cases to act as judge-advocates of courts themselves. They also review the records of those tribunals when they come into the commander's office, and if errors are discovered they are pointed out before the court is dissolved, and the case is sent back to be reconsidered by the court. That is a general statement of their duties.

Question. State whether or not the questions submitted to those officers are of such a nature as that legal knowledge and high professional skill are required.

Answer. I believe so. If a determination exists to subject the military administration to the wholesome restraints of law, which is at all times desirable, and is certainly practicable in time of profound peace, I think that this corps of officers should be continued. A West Point education does not impart a thorough knowledge of a class of legal questions which arise continually in trials by courts-martial and which it is necessary to have correctly settled, both for the interests of the Government and the interests of those on trial. Experience proves that for lack of this knowledge on the part of officers, errors are at times committed by military courts which would be fatal to the reputation and future of those tried were they not subsequently corrected, on review, either through the judge-advocates or the final advisory action of the Bureau of Military Justice.

Question. What is the amount of duty performed by these officers ?

Answer. I could scarcely now tell you. I believe they are all well

employed and some of them are, perhaps, overworked. They have no assistants. Clerks, generally private soldiers, are detailed to aid them when their services are absolutely required, but, in the performance of their own proper duties, they have no assistance, unless some difficult question arises, which they refer to this Bureau. The office of Judge-Advocate of the Army has existed from the foundation of the Government. It was first established in 1775, and more especially organized in 1776, with the title of Judge-Advocate-General and rank of lieutenant-colonel. It has been the subject of legislation from that time to the present. The Army has never been without a legal counselor. This officer was again designated as Judge-Advocate-General by the act of 17th July, 1862, and on the establishment of the Bureau of Military Justice, in 1864, he was placed at its head.

Question by Mr. GUNCKEL. Could not the duties of the department be performed by retaining the present established force here in Washington, and using Army officers ordinarily, and in occasional cases employing additional counsel?

Answer. It would not be so satisfactory, for this reason: Under the present system many errors in proceedings in courts-martial at remote points are at once there corrected; the records come to the commander's office and are revised by the judge-advocate, and if there are errors they are without delay sent back before the court is dissolved. The employment of lawyers from civil life would doubtless involve a much larger expenditure than the present system, and would be less satisfactory in its results, because they would not have that familiarity with military law and military usages which are deemed indispensable.

Question by Mr. GUNCKEL. It would only increase the time of transmission from the post to this city instead of the commander's office?

Answer. That is only one of the disadvantages. It would deprive the commander at an important post of that legal advice in reference to his current duties which, I think, is at all times advantageous. I may add that with reference to the views of military officers regarding the utility of a judge-advocate's department, it is clear that those officers are most competent to pronounce upon the subject whose duty as the commanders of geographical departments has devolved upon them the functions of appointing and reviewing the proceedings of general courts-martial.

Maj. Gen. John M. Schofield, while acting as Secretary of War, in his annual report dated November 20, 1868, states, under the head of Bureau of Military Justice, as follows:

The officers of this Bureau consist of a Judge-Advocate-General, an assistant judge-advocate-general, and eight judge-advocates. The two vacancies in the grade of judge-advocate, and the absence of any legal provision for filling them, have prevented a compliance with several applications from department commanders for such officers.

It is recommended that the number and grade of officers of the Bureau be *permanently* fixed by law, so that the vacancies may be filled.—(Page 2, Report Secretary of War. Abridgment, 1868.)

It was in accordance with this recommendation that, by the act of April 10, 1869, Congress fixed the number of judge-advocates at eight, and authorized the filling of any vacancy occurring in that number. It is noteworthy that this act was passed only about five weeks after the previous Congress had, by the act of March 3, 1869, prohibited, until further legislation, any appointments or promotions in any of the other staff corps.

On the 2d May, 1872, in reply to a letter from the Hon. John Coburn, chairman of the then Committee on Military Affairs of the House of Representatives, I addressed him a communication setting

forth fully the history and duties of the Bureau of Military Justice and of the corps of judge-advocates acting under its supervision, which I beg now to make a part of my present statement, with a view of bringing the information it contains more certainly and distinctly to the notice of the committee. Said communication or report was in the words which follow.

WAR DEPARTMENT,
BUREAU OF MILITARY JUSTICE,
May 2, 1872.

SIR: In view of your recent suggestion that I should furnish to the committee some particulars in regard to the history, nature, and duties of the branch of the service to which I am attached—a subject upon which I had not thought it necessary to enlarge in my former official communication—I have now the honor to present the following statement.

In the British military service the office of judge-advocate-general has existed for centuries, though originally under a somewhat different name. (See Clode's *Military Forces of the Crown*, vol. 2, pp. 359 to 365; Grose's *History of the British Army*, vol. 1, pp. 234 to 236, and as cited *infra*.) At present there exists not only the office, but also a judge-advocate-general's department. This, according to my latest information, now consists of a judge-advocate-general and deputy judge-advocate-general-in-chief; of judge-advocates-general for the Bengal army, the Madras army, and the Bombay army, each respectively, the former being also judge-advocate-general for all the forces in India; of one deputy judge-advocate-general for Ireland, one for Barbadoes, one for China, one for Jamaica, the Bahamas, and Honduras, (collectively;) seven or eight for the Bengal and Madras armies each, and some four or five for the Bombay army.

Besides being practically the head of a military department thus constituted, the judge-advocate-general of the British army is regarded as an officer of such importance that he is also a member of the existing administration; that is to say, a minister of the civil government.

The American colonies, on their separation from Great Britain, in retaining and adopting, with slight changes, the British code of articles of war, engrafted also the office of judge-advocate-general upon their military organization. On July 29, 1775, a "judge-advocate of the Army" was appointed by the Continental Congress; and on August 10, 1776, the office was newly designated as "judge-advocate-general," and the rank of lieutenant-colonel assigned to it. Subsequently its emoluments were raised to those of colonel, and the office was continued to the end of the revolutionary war. There were also appointed during that war certain "deputy" judge-advocates for separate armies in the field.

At an early date after the adoption of the Constitution, viz, by the act of March 3, 1797, the office of judge-advocate of the Army was established. This office, as such, seems to have been subsequently discontinued, and judge-advocates for the several divisions of the army to have been provided instead, the number varying from one to three for each division. (See acts of January 11, 1812; April 24, 1816; and April 14, 1818.) Later, in 1849, by the act of March 2, ch. 83, the office of judge-advocate of the Army was revived; and this act continued in operation till July 17, 1862. On that date, in chapter 201, section 5, was enacted the following:

"That the President shall appoint, by and with the advice and consent of the Senate, a Judge Advocate-General, with the rank, pay, and emoluments of a colonel of cavalry, to whose office shall be returned for revision the records and proceedings of all courts-martial and military commissions, and where a record shall be kept of all proceedings had thereupon."

Under this statute the present incumbent of the office of Judge-Advocate-General was appointed by President Lincoln.

Further, in 1864, by act of June 20, ch. 145, sections 5 and 6, there was established the present Bureau of Military Justice, the provisions on the subject being as follows:

"SEC. 5. *And be it further enacted*, That there shall be attached to, and made a part of, the War Department during the continuance of the present rebellion, a Bureau, to be known as the Bureau of Military Justice, to which shall be returned for revisions the records and proceedings of all the courts-martial, courts of inquiry, and military commissions of the Armies of the United States, and in which a record shall be kept of all proceedings had thereupon.

"SEC. 6. *And be it further enacted*, That the President shall appoint, by and with the advice and consent of the Senate, as the head of said Bureau, a Judge-Advocate-General, with the rank, pay, and allowances of a brigadier-general, and an assistant Judge Advocate-General, with the rank, pay, and allowances of a colonel of cavalry. And the said Judge-Advocate-General and his assistant shall receive, revise, and have recorded the proceedings of the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and perform such other duties as have here-

tofore been performed by the Judge-Advocate-General of the armies of the United States."

Lastly, on the organization of the peace establishment at the end of the war, the Bureau was retained in the service and in the War Department by the following provision of the act of July 28, 1866, ch. 299.

"Sec. 12. *And be it further enacted*, That the Bureau of Military Justice shall hereafter consist of one Judge-Advocate-General, with the rank, pay, and emoluments of a brigadier-general, and one assistant Judge-Advocate-General, with the rank, pay, and emoluments of a colonel of cavalry; and the said Judge-Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge-Advocate-General of the Army."

Such being the origin and statutory history of the office of Judge-Advocate-General of the Army and of the Bureau of which he is the chief, it remains to refer to the duties which are and have been performed by him and in the bureau.

These duties may be enumerated under five heads: 1. The review and revision of and reporting upon cases tried by military courts, as well as the receipt and custody of the records of the same. 2. The reporting upon applications for pardon or clemency preferred by officers and soldiers sentenced by court-martial. 3. The furnishing of written opinions upon questions of law, claims, &c., referred to it by the Secretary of War, or by heads of Bureaus, department commanders, &c., as well as in answer to letters from officers of courts-martial and others. 4. The framing of charges, and the acting by one of its officers, in cases of unusual importance, as judge-advocate of military courts. 5. The direction of the officers of the corps of judge-advocates.

From the schedule hereto annexed of the business of the Office and Bureau since the first official report called for from the Judge-Advocate-General, the number of records of trials by military courts received and reviewed at the Office and Bureau, as well as of the reports made and opinions furnished, will readily be perceived.

While the review, &c., of military records is specified in the statute law as the most conspicuous duty of the Judge-Advocate-General, this is not in fact his only important duty. It will be noticed that the statutes of 1864 and 1866 provide that he shall also "perform such other duties as have heretofore been performed by the Judge-Advocate-General of the Army;" and a leading part of these duties, certainly since the establishment of the office in 1862, has been the preparing and furnishing of *legal opinions* upon various subjects of military law and administration constantly arising in the War Department and the Army. A similar duty is indeed one of the functions of the corresponding officer in the British service. Grose, (vol. 1, p. 234,) writing in 1786, says that "The judge-marshal, by some called auditor-general, and since called judge-advocate, was an officer skilled in the civil, municipal, and martial law." And Chambers, a recent authority, while stating that the British Judge-Advocate-General is "the *supreme* judge under the military act and articles of war of the proceedings of courts-martial," (a position which, of course, could not be claimed for the Judge-Advocate-General in our military system, where the office is in all respects advisory only,) goes on to add that he "is also the adviser in legal matters of the commander-in-chief and the secretary of state for war." (And to the same effect see Clode, vol. 2, ch. xxvii.) Here, indeed, except for the comparatively brief period during which Mr. William Whiting acted as solicitor for the War Department, its current legal advisory business has, as a general rule, been performed by the Judge-Advocate-General and his assistant. The need and use of an officer of this kind in this department has been the same as that experienced in the other executive branches of the public service; and the State, Treasury, Interior, and Navy Departments, and the Internal Revenue Bureau, are simply supplied with solicitors of their own.

Of the questions upon which opinions are given by the Judge-Advocate-General, some—often at his suggestion—are subsequently submitted to the Attorney-General; but the great mass are at once acted upon by the Secretary of War.

The nature and extent of the legal reports of the Bureau may be best perceived from the printed digest of its opinions, published by the authority of the Secretary of War. Of these opinions it may be said in brief that their main object has been to apply and uphold the principles alike of the common, statute, and military law, as applicable to the case under consideration, and thus to secure a uniformity of interpretation and enforcement of the existing law in the military administration of the country.

The direction of the officers of the corps of judge-advocates of the Army has been referred to as one of the duties of the Bureau of Military Justice. This corps is not part whatever of the Bureau; but the act of 1866 provides that its members "shall perform their duties under the direction of the Judge-Advocate-General." The officers of this useful and laborious corps are eight in number. Six are on duty at six of the eleven military department headquarters throughout the country, and two at the Bureau. The latter assist the Judge-Advocate-General in the preparation of reports and other business of the office. The former advise upon questions of law, prepare charges, review records of courts-martial, and themselves conduct the proceedings in important cases. The large majority being under the immediate command of the department

commanders, receive, indeed, little or no direction from the Judge-Advocate-General except as to the framing of charges or as to questions of law, upon which they apply to him for opinion and advice.

This corps was very largely increased during the war; and at that period there were at one time obliged to be kept on duty at the Bureau some seven or eight assistants, either judge-advocates or line officers acting as such. At present, as before mentioned, the number serving at the Bureau is reduced to two. And when it is considered, as set forth in the schedule, that during the past year more than twelve thousand records of military courts were reviewed at the Bureau, and nearly one thousand special reports and opinions were furnished thereby, the statement that this is the least number of assistants by which the business can be performed will readily be accepted as reasonable. The number of clerks on duty with the Bureau has also been greatly reduced since the war, the present inadequate force, (to cite from the last annual report of the Secretary of War, page 12,) not being even "sufficient to perform the great amount of labor required to copy, on the demand of persons who have been tried, the voluminous proceeding of the courts-martial in their cases," to copies of which they are entitled by the 90th article of war.

It may be added here that the assistant Judge-Advocate-General is not now serving with the Bureau proper, but is, and for several years has been, on duty in the office of the Secretary of War.

These remarks will convey a general idea of the duties of the Judge-Advocate-General, and of the labor performed at the Bureau of Military Justice. In the report of the Secretary, just quoted, he speaks of "the vast amount of work performed in that office," and for his opinion as to the value and importance of that work, and the faithful performance of their duties by the officers engaged in it, I would refer you to himself.

That in the performance of its already enumerated duties the Bureau has earned the approval and confidence of a large majority of the officers of the Army may be safely asserted. But while this is true it can scarcely be doubted that it has given offense to a small class of officers, who, unwisely impatient of the restraints of law in military affairs, are of course impatient of the scrutiny to which their conduct has been or is liable to be subjected by this Bureau as the law-adviser of the War Department. That such officers should seek to depreciate the Bureau, and be willing for it to disappear from the military organization, will not excite surprise.

In conclusion, I have but to add that, in my opinion, the present Bureau of Military Justice, with the small corps of judge-advocates of the Army acting under its general direction, is not only an important but an essential part of the existing Army staff. Some such an establishment is certainly necessary in every civilized country that proposes to submit its military administration to the guidance and limitations of law, and which, while subjecting the officers and soldiers of its army to a strict and judicious discipline, seeks at the same time to protect them from oppressive treatment, and to secure to them the enjoyment of all the rights which remain to the citizen after he has entered the military service, thus counteracting that tendency to arbitrary action which, as its history shows, has characterized the profession of arms in varying degrees, under all forms of government.

I have the honor to remain, very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

Hon. JOHN COBURN,
Chairman, &c., House of Representatives, Washington, D. C.

Schedule of records of military courts received and reviewed, and of reports and opinions prepared, at the office of the Judge-Advocate-General and Bureau of Military Justice since September 1, 1862, according to the official reports.

Period of official report.	Number of records.	Number of reports and opinions.
From September 1, 1862, to November 1, 1863	17,357	2,460
From November 1, 1863, to March 1, 1865	33,896	9,340
From March 1, 1865, to October 1, 1865	16,591	6,123
From October 1, 1865, to October 1, 1866	8,148	4,006
From October 1, 1866, to October 1, 1867	11,432	2,135
From October 1, 1867, to October 1, 1868	15,046	1,457
From October 1, 1868, to October 1, 1869	14,944	1,352
From October 1, 1869, to October 1, 1870	15,956	1,009
From October 1, 1870, to October 1, 1871	12,194	915
Total	145,564	26,629

Statement of the Commissioner of Pensions as to the method of payment of pensions.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 19, 1874.

SIR: In compliance with your request, I have the honor to submit the following information, relative to the present system of paying pensions.

There are fifty-eight pension agencies in the United States, located within the same number of agency districts, whose limits are fixed by arbitrary geographical lines. These limits, with scarcely an exception, conform to State lines. The location of each of these agencies, the number of pensioners upon the rolls of each on the 30th of June last, and the amount of pensions paid at each during the past fiscal year, is shown by a tabular statement herewith attached.

The aggregate number of pensioners was 238,411. The aggregate amount disbursed was \$29,185,289.62. These agencies are established and furnished, the rents paid, fuel, lights, &c., supplied, and the salary of all clerks and employes and all postal expenses defrayed, from the compensation allowed by existing laws, to the pension agent. This compensation is provided by the acts of July 17, 1862, June 30, 1864, and section 4, act of July 8, 1870. (The amount paid to each individual who has served as pension agent since March 4, 1869, may be found in a report made by the Secretary of the Interior to the House of Representatives, on the 28th ultimo, which has been printed. Ex. Doc. No. 97.)

The amount allowed to any one agent, under the two first-mentioned acts, varies from \$115 to \$4,000 annually, the latter sum being the maximum. The excess above this limited compensation is derived from fees for preparing and executing vouchers, which, by the act of July 8, 1870, were fixed at 30 cents for each voucher prepared and paid.

Pensioners may be paid four times a year. If all were paid, the aggregate amount of fees for preparing and paying $(238,411 \times 4)$ 953,644 vouchers, would be \$286,093.20; but as many pensioners do not apply for pension every quarter, the maximum is never reached. The actual aggregate amount of compensation from this source during the fiscal year ending June 30, 1873, was \$254,803.87.

As all the expenses of these agencies are borne by the agent, it is presumed that they are conducted in the most economical manner, and that the most useful and the least possible number of clerks are employed, and the greatest number of hours of service obtained. This Office has not the information before it to enable it to give a statistical report upon these points, but it is believed that during the pay months the number of clerks employed will average one to every thousand pensioners, (238,) and it is known that during the pressure of payments the hours of labor have exceeded twelve per day.

At all agencies is kept a permanent roll, durably bound, of all pensioners residing within its geographical limits, arranged alphabetically by classes, sexes, and in some cases by acts. Upon this roll are entered all new pensions and all new allowances to old pensioners, all reductions, suspensions, deaths, remarriages, transfers, variations of rate, all orders affecting the status of every pensioner, and the post-office address of each. The agent must, from necessity, keep his roll carefully corrected up to date, as he is responsible under his bond for any errors of payment that may occur from neglect.

Upon the issuance of a pension-certificate from this Office, it is sent to

the pension agent of the district in which the pensioner resides, who, after making due entries upon his roll, prepares a voucher covering the amount due to the last quarterly pay-day, and forwards it with the pension-certificate, to the pensioner; likewise, before each quarterly payment, he prepares from his roll and forwards to each old pensioner a similar voucher. These vouchers, when executed and returned, require careful examination as to genuineness of signature, execution before a proper magistrate, whose official character must be known to the agent or certified to under seal of court, completeness of affidavits of non-marriage of widows and mothers, or of children being alive, and careful comparison of rate, and character of disability in surgeons' certificate of examination of invalid pensioners with his roll.

After this examination, if the voucher is perfect, (imperfect ones are returned for completion,) the agent is ready to pay. Payment is made solely, as required by law, *by check payable to the order of the pensioner*.

This check is drawn upon the United States Assistant Treasurer or National Bank depository, where funds have been placed to the agent's official credit, and it is mailed direct to the sworn post-office address of the pensioner in his last voucher.

These checks, official in character, uniform in style, made upon paper manufactured only for governmental use, engraved at the Treasury Department, and drawn only upon the sub-treasury or United States depositories, have become within the past four years almost a part of the national currency, a judicious location of the deposits of each agent having kept their value at par or above in almost every county in the United States.

At the end of each month, an alphabetical abstract of every individual payment made within the month is prepared by the agent in triplicate. One copy, with all the vouchers of Army payment, is forwarded to the Third Auditor; of Navy payments, to the Fourth Auditor; the duplicates of each to this Office, and the triplicates are retained at the agency as a part of its records for future reference. For, while the roll-book has the fact of payment entered upon it, it is simply the ledger to which the monthly abstracts, showing the payments in detail, are day-books.

On the morning of the 4th day of the first month of each quarter, payments commence simultaneously at each of the fifty-eight agencies.

In cities large crowds accumulate, and it is necessary that the agents should employ the largest possible force of clerks to wait upon them. It is difficult to close an agency when destitute pensioners plead their necessities or those far from home beg to be paid, to enable them to return that night. To accommodate such, agents have made arrangements with depositories to keep open to cash the checks, and have continued to pay long after banking-hours. Evenings have been devoted to the payment of vouchers received by mail, and so rapidly and systematically are payments now made, that within ten days from the commencement of the quarterly payment, fully 160,000 pensioners are paid, and the pressure entirely removed.

All pensioners paid in person are saved any expense whatever in the preparation and execution of their vouchers. Nearly all those paid by mail have only to pay a single magistrate's fee, as pension agents are required to preserve on file evidence of the official character of magistrates within their district, thus saving to the pensioner the expense of a certificate of clerk of courts to this, which would be necessary if sent to a distant part of the country. Security of the present system—pension agents give bonds in sums varying from \$25,000 to \$200,000 for

the legitimate disbursement of the public moneys placed at their disposal, and the faithful discharge of their duties. No money passes into their hands.

Exact record of the disbursements at each agency, and new demands issued upon it, are kept in this Office, from which its actual wants can be accurately estimated, and requisitions are made for just sufficient remittances to meet them. These remittances are placed with the sub-treasurers or depositaries designated for the use of the agency, and from which the agent is prohibited from moving them, or any portion of them.

He can draw only upon them for the payment of pensions, and can use only uniform pension-checks, in serial numbers, which are registered in this Office and issued from it. Every check issued by him and paid is retained on file at the depository and never returns to his hands. If irregularly issued it is evidence placed on record against him.

At the close of each month he is required to examine the statement of his depository, of checks paid, certify as to its correctness, and prepare a list of all his outstanding checks. He is then required to make oath in his account-current, that the balance shown upon it due the Government, together with the amount of his outstanding checks, was on deposit with his depository, at the date to which his accounts were brought.

Arrangements are now made by which the deposits standing to the credit of each agent, on the 15th and last days of each month, are brought before this Office for comparison with his accounts. In this manner irregularities, which would have been otherwise undiscovered, have been detected and the moneys recovered.

Out of \$220,668,920.90, placed in the hands of pension-agents for disbursement, since the commencement of paying pensions, on account of the rebellion, only about \$193,000 stands upon the books as deficiencies, to be recovered upon their bonds.

Pension-checks vary in amount from \$6, the minimum quarterly pension, to \$3,535.00, the largest issue on account of arrears.

The average rate of pension, monthly, is \$9.21, giving an average quarterly check of \$31.50.

I have the honor to be, sir, very respectfully, your obedient servant,

J. H. BAKER,
Commissioner.

Hon. JOHN COBURN,
Member of Congress.

Statement showing the number and location of agencies where the Army and Navy pensions are paid, together with the number of pensioners on the roll of each on the 30th June 1873.

State.	Location of agency.	Number on the roll.	Total amount disbursed for 1872-'3.
Arkansas.....	Rittle Rock.....	747	\$129,970 51
Connecticut.....	Hartford.....	*3,740	442,401 22
California.....	San Francisco.....	*332	68,095 89
District of Columbia.....	Washington.....	*4,143	791,504 29
Delaware.....	Wilmington.....	574	72,545 61
Indiana.....	Indianapolis.....	10,257	1,216,103 56
	Madison.....	3,316	416,880 26
	Fort Wayne.....	3,671	452,453 71
Illinois.....	Springfield.....	4,526	573,228 45
	Chicago.....	*6,435	779,565 32
	Salem.....	6,195	794,904 27
	Quincy.....	3,332	437,070 06
Iowa.....	Des Moines.....	2,358	309,270 96
	Fairfield.....	2,822	351,297 46
	Dubuque.....	2,936	370,347 68
Kentucky.....	Louisville.....	*4,119	562,448 32
	Lexington.....	2,583	379,379 65
Kansas.....	Topeka.....	1,974	268,061 30
Louisiana.....	New Orleans.....	*792	122,878 83
Maine.....	Augusta.....	3,552	417,212 01
	Portland.....	*3,983	469,740 77
	Bangor.....	3,325	359,050 84
Massachusetts.....	Boston.....	*13,310	1,466,224 66
Maryland.....	Baltimore.....	*3,111	396,689 89
Mississippi.....	Vicksburg.....	523	85,039 49
Missouri.....	Saint Louis.....	*4,735	599,623 37
	Macon.....	2,446	408,455 07
Michigan.....	Detroit.....	*8,686	799,591 37
	Grand Rapids.....	1,881	234,289 88
Minnesota.....	Saint Paul.....	*2,228	278,482 88
New Hampshire.....	Concord.....	3,865	431,182 32
	Portsmouth.....	*1,150	129,459 53
New York.....	Albany.....	12,572	1,496,809 24
	Canandaigua.....	11,908	1,377,174 64
	New York.....	8,686	1,075,739 32
	Brooklyn.....	*3,113	393,279 64
New Jersey.....	Trenton.....	*4,966	605,965 99
North Carolina.....	Raleigh.....	867	133,924 87
Nebraska.....	Omaha.....	368	53,106 21
New Mexico.....	Santa Fé.....	48	6,999 13
Ohio.....	Columbus.....	6,765	831,135 47
	Cincinnati.....	*10,104	1,253,134 11
	Cleveland.....	6,246	759,475 54
Oregon.....	Oregon City.....	102	13,385 95
Pennsylvania.....	Philadelphia, invalid.....	*10,710	1,149,020 94
	Philadelphia, widow's.....	10,252	1,336,447 81
	Pittsburgh.....	*7,406	908,076 01
Rhode Island.....	Providence.....	*1,350	160,419 87
Tennessee.....	Nashville.....	2,134	288,653 48
	Knoxville.....	4,181	454,319 30
Vermont.....	Montpelier.....	2,529	283,601 00
	Burlington.....	2,068	235,471 57
Virginia.....	Richmond.....	*2,076	276,893 20
West Virginia.....	Wheeling.....	4,067	510,412 49
Wisconsin.....	Madison.....	2,581	304,749 71
	Milwaukee.....	*3,661	458,416 47
	La Crosse.....	1,324	167,002 29
Washington Territory.....	Vancouver.....	60	5,854 02
Total.....		238,411	29,185,289 62

Total number of agents, 58.

Total disbursed in 1872..... \$70,169,341 00

Total disbursed in 1873..... 29,185,289 62

Average per quarter for the two years..... 7,419,326 83

Average rate of invalid pensions per month..... 8 04

Average rate of widows and dependent relations per month..... 10 38

The average amount of each check given in payment is..... 31 50

Amount of fees on vouchers received by all the agents during the fiscal year 1872-'3..... 254,803 67

* Agencies which pay also Navy pensions.

LETTER OF SECRETARY OF WAR AS TO THE ENGINEER BATTALION.

WAR DEPARTMENT,
Washington City, January 17, 1874.

DEAR SIR: A rumor has reached me that a proposition to disband two companies of the battalion of engineers is now pending before your committee. If such is the fact, I desire, most earnestly, it will consider the following statements:

We have now but *four* officered companies of these troops, which have been reduced lately to a strength of eighty-three men each. There is also a skeleton organization of twenty men, without officers, called a company on paper. One of these four companies is at West Point, in accordance with section 4 of the law of May 15, 1846; the other three companies are at Willet's Point, N. Y., where the instruction of this class of troops in their peculiar duties is imparted, in conformity with the requirements of the law above quoted, and the number of men now there is as small as is compatible with their proper instruction.

They are thoroughly drilled in infantry tactics, and during the past four years have repeatedly served in the streets of New York and Brooklyn, under the general commanding the Department of the East, in the enforcement of the revenue laws and preventing election riots. They have served faithfully in the Mexican war and the war of the rebellion, as the battles inscribed on their colors and in the Army Register shows. They are a most intelligent and picked body of troops, and must be of this character for the performance of their special duties.

At this time in particular they are more needed than ever for the intelligent handling, planting, and working of torpedoes, which have risen so recently into an important branch of our defenses.

They are always available for service under the orders of the department commanders when the exigency for their use arises, and a telegram to the War Department furnishes them immediately, and has done so repeatedly.

At other times they should, in accordance with law and the custom of service, be engaged under my direction in their proper drill and specialty, which embraces all the duties of sapping, mining, pontooning, and use of torpedoes, and should be no more or no less used on the plains against Indians than should the bulk of the artillery arm, or the fifteen and twenty inch guns, or any other elements for the defense and care of fortified places. Especially at this time do I consider it will be a most decided detriment to the public interest to reduce the number of troops of this arm of service.

I hope you will excuse the liberty I have taken in writing to you thus earnestly on this subject.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

HON. JOHN COBURN, M. C.,
House of Representatives.

STATEMENT OF ADJUTANT-GENERAL AS TO NUMBER OF POSTS AND STATIONS OF THE ARMY.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 3, 1874.

SIR: In compliance with your request of the 26th ultimo, I have the honor to transmit herewith a list of the military posts and stations of

the United States, now in existence, with the number of companies composing their garrisons. I have also respectfully to inform you that under the act of Congress approved July 28, 1866, fixing the enlisted strength of the Army at 51,605, the average number of military posts garrisoned or in charge of ordnance-sergeants, was 456. Under the act of March 3, 1869, reducing the number of enlisted men to 35,036, the number of posts was 290.

The act of July 15, 1870, limited the enlisted force of the Army to 30,000 men. Under this law the number of posts is 237, as shown by the accompanying pamphlet.

Very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

P. S.—Having already prepared the inclosed statement before the personal explanation made by Hon. Mr. Coburn, I inclose it with the other statements since collected.

E. D. TOWNSEND,
Adjutant-General.

Hon. JOHN COBURN, M. C.,
*Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.*

List of the military posts and stations of the United States, with their garrisons; and also the stations of troops, by companies, January 1, 1874.

A.

Abercrombie, Fort, D. T. Lat. $46^{\circ} 27'$, long. $96^{\circ} 28'$. Department of Dakota. On the Red River of the North, 168 miles northwest of Saint Cloud, Minn., the nearest station on the Saint Paul and Pacific Railroad, whence supplies are transported by wagons. Reservation declared April 12, 1867. Reduced March 25, 1871, under act of February 24, 1871. Garrison, two companies infantry.

Adams, Fort, E. I. Lat. $41^{\circ} 29'$, long. $71^{\circ} 20'$. Department of the East. On Brenton's Point, east side of the entrance to Newport Harbor. Land owned by the United States. Garrison, four companies artillery.

Alcatraz Island, Cal. Lat. $37^{\circ} 49' 27''$, long. $122^{\circ} 24' 19''$. Department of California. In San Francisco Harbor. Reserved November 6, 1850. Garrison, two companies artillery.

Allegheny Arsenal, Pa. Lat. $40^{\circ} 32'$, long. $80^{\circ} 2'$. At Pittsburgh, Pa. Land owned by the United States. "Arsenal of construction." Garrison, detachment ordnance.

Andrew, Fort, Mass. Lat. $41^{\circ} 37'$, long. $70^{\circ} 40'$. Department of the East. P. O. address: Plymouth, Mass. On Gwinet Point, north side of entrance to Plymouth Harbor. Lands deeded to the United States June 7, 1870. Garrison in charge ordnance-sergeant.

Angel Island, Cal., (Camp Reynolds.) Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$. Department of California. In San Francisco Harbor. Reserved November 6, 1850, and April 20, 1860. General recruiting depot for the Military Division of the Pacific. Garrison, one company infantry.

Apache, Camp, A. T. Lat. 34° , long. $109^{\circ} 45'$, (approximate.) Department of Arizona. P. O. address: via Fort Wingate, N. M. In the White Mountain country, about 60 miles north, 10° east, from Camp Goodwin, and bears from Zuni Village about south 34° west, and about 112 miles distant. Reservation not yet declared. Garrison, two companies cavalry and one company infantry.

Atlanta, Ga. Lat. $33^{\circ} 48'$, long. $84^{\circ} 32'$. Department of the South. Garrison, seven companies infantry.

Augusta Arsenal, Ga. Lat. $33^{\circ} 28'$, long. $81^{\circ} 54'$. At Augusta, Ga. Lands owned by the United States. "Arsenal of construction." Garrison, detachment of ordnance.

Austin, Tex. Lat. $30^{\circ} 15'$, long. $97^{\circ} 47'$. Department of Texas. Garrison, one company infantry.

Abraham Lincoln, Fort, D. T. Garrison, six companies cavalry and three companies infantry.

B.

Baker, Camp, M. T. Lat. 47° , long. 111° , (approximate.) Department of Dakota. In Smith's River Valley, near the junction of Camas Creek and Smith's River, about 12 miles northeast of Diamond City. Reservation not yet declared. Garrison, one company infantry.

Barrancas, Fort, Fla. Lat. $30^{\circ} 19'$, long. $87^{\circ} 16' 9''$. Department of the South. In Pensacola Harbor. Reservation declared February 9, 1842. Garrison, three companies artillery.

Bascom, Fort, N. M. Lat. $35^{\circ} 23' 20''$, long. $103^{\circ} 27' 20''$. Department of the Missouri. On right bank of the Canadian River, 145 miles southeast of Fort Union, the nearest supply depot. On leased ground; no reservation. Garrison withdrawn, and public buildings left in charge of a small guard since October, 1870.

Baton Rouge Barracks, La. Lat. $30^{\circ} 28'$, long. $91^{\circ} 18'$. Department of Texas. At Baton Rouge, La. Lands owned by the United States. Garrison, three companies infantry.

Bayard, Fort, N. M. Lat. $32^{\circ} 52'$, long. $108^{\circ} 25'$. Department of the Missouri. Near Pinos Altos, 448 miles southwest of Fort Union, the nearest supply depot. Reservation declared April 19, 1869. Garrison, two companies cavalry and two companies infantry.

Benicia Arsenal, Cal. Lat. $38^{\circ} 3'$, long. $122^{\circ} 8'$. At Benicia, Cal. Land ceded to the United States in 1849. Garrison, detachment ordnance.

Benicia Barracks, Cal. Lat. $38^{\circ} 3'$, long. $122^{\circ} 8'$. Department of California. At Benicia, Cal. Land ceded to the United States in 1849. Garrison, two companies cavalry.

Benton, Fort, M. T. Lat. $47^{\circ} 50'$, long. $110^{\circ} 30'$. Department of Dakota. On the Missouri River, 1,915 miles, by river route, from Sioux City, Iowa, the present terminus of the Sioux City and Pacific Railroad, and 620 miles, overland, from Corinne, U. T., the nearest station on the Union Pacific Railroad. Reservation declared December 1, 1869. Garrison, one company infantry.

Bidwell, Camp, Cal. Lat. $41^{\circ} 51' 14''$, long. $120^{\circ} 8' 45''$. Department of California. At the north end of Surprise Valley, 215 miles north of Reno, Nevada, the nearest station on the Central Pacific Railroad. Reservation declared October 19, 1866; enlarged October 4, 1870; wood reserve declared February 7, 1871. Garrison, one company cavalry.

Bienvenue, Battery, La. Lat. $29^{\circ} 58'$, long. $89^{\circ} 50'$, (about.) P. O. address: via New Orleans, La. On the right bank of Bayou Bienvenue, near New Orleans, La. Reservation declared July 9, 1842. Garrison in charge of Engineer Department.

Big Cheyenne Agency, D. T. Department of Dakota. On the Missouri River, 15 miles above Fort Sully. Garrison, two companies infantry.

Bloss, Fort, Tex. Lat. $31^{\circ} 46' 5''$, long. $106^{\circ} 21'$. Department of Texas. On the Rio Grande, 3 miles northeast of El Paso. Ground rented by the United States. Garrison, one company infantry.

Boisé, Fort, I. T. Lat. $43^{\circ} 37'$, long. $116^{\circ} 28'$. Department of the Columbia. In the Boisé River Valley, about half a mile from Boisé City, and 245 miles from Kelton, the nearest station on the Central Pacific Railroad. Provisional reservation; not yet declared by the President. Garrison, one company infantry.

Bowie, Camp, A. T. Lat. $32^{\circ} 15'$, long. $109^{\circ} 30'$. Department of Arizona. At Apache Pass, through which the road from Tucson to Mesilla runs, about 100 miles east of the former town. Reservation declared March 30, 1870. Garrison, one company cavalry and one company infantry.

Brady, Fort, Mich. Lat. $46^{\circ} 39'$, long. $84^{\circ} 43'$. Department of the Lakes. At Sault Ste. Marie, Mich. Reservation declared September 2, 1847. Garrison, two companies infantry.

Beaver City, U. T. Garrison, four companies infantry.

Bridger, Fort, Wyo. T. Lat. $41^{\circ} 18' 12''$, long. $110^{\circ} 32' 38''$. Department of the Platte. In the valley of Black's Fork, 10 miles south of Carter's Station, on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared July 14, 1859; to be reduced under act of February 24, 1871. Garrison, three companies of infantry.

Brooke, Fort, Fla. Lat. 28° , long. $82^{\circ} 28'$. Department of the South. At Tampa, Fla. Survey ordered, with a view to the formal declaration of a reservation. Garrison in charge of Engineer Department.

Brown, Camp, Wyo. T. Lat. 43° , long. 109° . Department of the Platte. On the Shoshone Indian reservation in the Wind River Valley, 32 miles from Atlantic City, and 138 miles from Bryan, the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation not yet declared. Garrison, one company of cavalry and one company of infantry.

Brown, Fort, Tex. Lat. $25^{\circ} 53' 16''$, long. $97^{\circ} 29' 15''$. Department of Texas. At Brownsville, Tex. Three hundred and fifty acres held and known as United States mili-

ary reservation; title in litigation. Garrison, one company of cavalry and five companies of infantry.

Buford, Fort, D. T. Lat. 48° , long. 104° . Department of Dakota. On the Missouri River, near the mouth of the Yellowstone, and 1,183 miles, by river route, from Sioux City, Iowa, the present terminus of the Sioux City and Pacific Railroad. Reservation declared August 18, 1868. Garrison, six companies of infantry.

Beale's Springs, Camp, Ariz. T. Garrison, one company of infantry.

C.

Cape Disappointment, Fort, Wash. T. Lat. $46^{\circ} 16' 32''$, long. $124^{\circ} 3' 13''$. Department of the Columbia. At the mouth of the Columbia River, near Pacific City. Lands owned by the United States. Garrison, one company of artillery.

Carlisle Barracks, Pa. Lat. $40^{\circ} 12'$, long. $77^{\circ} 14'$. Department of the East. At Carlisle, Pa. Purchased by the United States in 1801. Garrison, detachment of recruits.

Carroll, Fort, Md. Lat. $39^{\circ} 15'$, long. $76^{\circ} 35'$. Department of the East. Post-office address: Baltimore, Md. On "Soller's Point Flats," in the Patapsco River, about eight miles below Baltimore City. Site ceded to the United States March 6, 1847. Garrison in charge of ordnance sergeant.

Caswell, Fort, N. C. Lat. 34° , long. 78° . Department of the East. On Oak Island, at the mouth of Cape Fear River. Lands deeded to the United States October 12, 1825. Garrison in charge of ordnance sergeant.

Charleston, S. C. Lat. $32^{\circ} 46'$, long. $79^{\circ} 57'$. Department of the South. Garrison, three companies artillery.

Chattanooga, Tenn. Lat. $35^{\circ} 7'$, long. $85^{\circ} 18'$. Department of the South. Garrison, one company infantry.

Chicago, Ill. Lat. $40^{\circ} 52' 20''$, long. $87^{\circ} 35'$. Department of the Missouri. Headquarters Military Division of the Missouri.

Clark, Fort, Tex. Lat. $29^{\circ} 17'$, long. $100^{\circ} 25'$. Department of Texas. On the Las Moras River, 126 miles west of San Antonio, and 45 miles north of Fort Duncan. Built on leased ground. Garrison, ten companies cavalry; three companies infantry.

Clark's Point, Fort at, Mass. Lat. $41^{\circ} 35' 32''$, long. $70^{\circ} 53' 43''$. Department of the East. At the extremity of Clark's Point, about 3 miles south of the city of New Bedford. P. O. address: via New Bedford, Mass. Lands deeded to the United States September 24, 1857. Garrison in charge ordnance sergeant.

Clinch, Fort, Fla. Lat. $30^{\circ} 41'$, long. $81^{\circ} 28'$. Department of the South. P. O. address: via Fernandina, Fla. On Amelia Island, at the mouth of St. Mary's River, near Fernandina. Portion of the reservation declared by the President February 9, 1842; other portions deeded to the United States October 20, 1849, and July 9, 1850. Garrison in charge ordnance sergeant.

Columbia, S. C. Lat. $33^{\circ} 57'$, long. $81^{\circ} 7'$. Department of the South. Garrison, six companies infantry.

Columbus Arsenal, Ohio. Lat. $39^{\circ} 57'$, long. $83^{\circ} 3'$. At Columbus, Ohio. Lands owned by the United States. "Arsenal of construction." Garrison, detachment ordnance.

Columbus, Fort, N. Y. Harbor. Lat. $40^{\circ} 42'$, long. $74^{\circ} 9'$. Department of the East. On Governor's Island. Lands ceded to the United States February 15, 1800. Depot general recruiting service. Garrison, general service recruits.

Colville, Fort, Wash. T. Lat. $48^{\circ} 41'$, long. $117^{\circ} 55'$. Department of the Columbia. In the Colville Valley, about 35 miles south of the dividing line between the United States and British Columbia, and 14 miles east of the Columbia River. Post and wood reservations declared January 27, 1871. Garrison, one company infantry.

Concho, Fort, Tex. Lat. $32^{\circ} 24'$, long. $101^{\circ} 22'$. Department of Texas. At the junction of the Main and North Conchos, 100 miles northwest of Fort Mason. Built on private ground; steps taken to procure a lease. Garrison, four companies cavalry and two companies infantry.

Constitution, Fort, N. H. Lat. $43^{\circ} 4'$, long. $70^{\circ} 49'$. Department of the East. P. O. address: via Portsmouth, N. H. On right bank of entrance to the inner harbor of Portsmouth, three miles east of that city. Lands ceded to the United States February 14, 1791, and June 18, 1807. Garrison in charge of ordnance sergeant.

Craig, Fort, N. M. Lat. $33^{\circ} 26'$, long. $107^{\circ} 8'$. Department of the Missouri. On the west bank of the Rio Grande, 280 miles from Fort Union, the nearest supply-depot. Reservation declared September 23, 1869. Site subsequently paid for by award of United States and Mexican Claims Commission, leaving the title in the United States. Garrison, one company infantry.

Cummings, Fort, N. M. Lat. $32^{\circ} 27'$, long. $107^{\circ} 35'$. Department of the Missouri. At Cook's Spring, on the northeast side of Cook's Mountain, near the mouth of Cook's Cañon, 19 miles from the Miembres Village, and 416 miles from Fort Union, the nearest supply-depot. Reservation declared April 29, 1870. Garrison, detachment of infantry.

Colfax, Grant Parish, La. Garrison, one company infantry.

D.

David's Island, New York Harbor. Department of the East. P. O. address: via Pelham, N. Y. In New York Harbor, 27 miles from the city. Purchased by the United States April 24, 1868. Garrison, two companies artillery.

Davis, Fort, Tex. Lat. $30^{\circ} 36' 23''$, long. $103^{\circ} 36' 45''$. Department of Texas. On the Limpia River, 466 miles northwest of San Antonio, and 220 miles southeast of El Paso. Ground leased by the United States. Garrison, one company cavalry and three companies infantry.

Delaware, Fort, Del. Lat. $39^{\circ} 35'$, long. $75^{\circ} 29'$. Department of the East. On Pea Patch Island, in the Delaware River, near New Castle, Del., about 40 miles below Philadelphia, Pa. Lands ceded to the United States May 27, 1813. Garrison in charge of Engineer Department.

Detroit arsenal, Mich. Lat. $42^{\circ} 20'$, long. $83^{\circ} 10'$, (about.) At Dearbornville, 10 miles west of Detroit, Mich. Site selected from the military reservation on River Rouge August, 1832. Garrison, detachment ordnance.

Dodge, Fort, Kan. Lat. $37^{\circ} 30'$, long. 100° . Department of the Missouri. On the Santa Fé road, 96 miles southwest of Hays City, Kan., the nearest station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation declared June 22, 1868. Garrison, one company cavalry and two companies infantry.

Douglas, Camp, U. T. Lat. $40^{\circ} 46' 2''$, long. $111^{\circ} 53' 34''$. Department of the Platte. Three miles east of Salt Lake City, and about 35 miles south of Uintah, the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared September 3, 1867. Garrison, one company cavalry and seven companies infantry.

Duncan, Fort, Tex. Lat. $28^{\circ} 42'$, long. $100^{\circ} 30'$. Department of Texas. At Eagle Pass, on the Rio Grande. Grounds leased by the United States. Garrison, two companies cavalry and two companies infantry.

Dupré's Tower, La. Lat. $29^{\circ} 55'$, long. $89^{\circ} 40'$, (about.) P. O. address: via New Orleans, La. On right bank of Bayou Dupré, Lake Borgne, near New Orleans. Reserved February 9, 1842. In charge of Engineer Department.

Dutch Island, Fort at, R. I. Lat. $41^{\circ} 29'$, long. $71^{\circ} 19' 12''$. Department of the East. P. O. address: via Newport, R. I. In western entrance to Narraganset Bay. Deeded to the United States January 1, 1864. Garrison in charge of ordnance sergeant.

E.

Ellis, Fort, M. T. Lat. $45^{\circ} 45'$, long. $110^{\circ} 53'$. Department of Dakota. At the extreme eastern end of Gallatin Valley, three miles from the town of Bozeman, and 426 miles from Corinne, the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared in February, 1868; enlarged March, 1870. Garrison, four companies cavalry and one company infantry.

F.

Fetterman, Fort, Wyo. T. Lat. $42^{\circ} 49' 8''$, long. $105^{\circ} 27' 3''$. Department of the Platte. On the south side of the North Platte River, 170 miles from Cheyenne City, the station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared June 28, 1869. Garrison, one company cavalry, four companies infantry.

Foote, Fort, Md. Lat. $38^{\circ} 48'$, long. $77^{\circ} 4'$. Department of the East. At Rozier's Bluff, on the left side of the Potomac River, about two miles below Alexandria, Va. Purchase of grounds not completed. Garrison, one company artillery.

Fort Monroe Arsenal, Va. Lat. $37^{\circ} 2'$, long. $76^{\circ} 12'$. At Old Point Comfort. Site conveyed to the United States December 12, 1838. Garrison, detachment ordnance.

Frankfort Arsenal, Pa. Lat. $39^{\circ} 57'$, long. $75^{\circ} 10'$. At Bridesburgh, near Philadelphia, Pa. Lands owned by the United States. "Arsenal of Construction." Garrison, detachment ordnance.

Frankfort, Ky. Lat. $38^{\circ} 14'$, long. $84^{\circ} 40'$. Department of the South. Garrison, one company infantry.

G.

Gaines, Fort, Ala. Lat. $30^{\circ} 13'$, long. $87^{\circ} 59'$. Department of the South. P. O. address: via Mobile, Ala. On Dauphin Island, Mobile Bay. Lands conveyed to the United States by decree in chancery, January, 1853. Garrison, in charge of ordnance department.

Garland, Fort, C. T. Lat. $37^{\circ} 20'$, long. $105^{\circ} 23'$. Department of the Missouri. On

the west bank of Utah Creek, 150 miles from Kit Carson, the station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation declared March 29, 1870. Garrison, one company cavalry, one company infantry.

Gaston, Camp, Cal. Lat. $41^{\circ} 3' 56''$, long. $123^{\circ} 15'$. Department of California. On left bank of Trinity River, near its junction with the Klamath River, in Hoopa Valley. Reservation declared April 2, 1869. Garrison, two companies infantry.

Gibson, Fort, Indian T. Lat. $35^{\circ} 47' 35''$, long. $95^{\circ} 15' 30''$. Department of the Missouri. On the left bank of the Neosho River, two and a half miles from its confluence with the Arkansas, and $98\frac{1}{4}$ miles from Baxter's Springs, Kansas, the present terminus of the Missouri River, Fort Scott and Gulf Railroad, whence supplies are transported by wagons. Reservation declared January 25, 1870. Garrison, one company cavalry, one company infantry.

Gorges, Fort, Me. Lat. $43^{\circ} 39'$, long. $70^{\circ} 20'$. Department of the East. Post-office address, via Portland, Me. In Portland Harbor. Lands ceded to the United States April 17, 1857. Garrison, in charge of ordnance sergeant.

Grand River Agency, Dakota Ter. Department of Dakota. On the Missouri River, 125 miles above Fort Sully. Garrison, two companies infantry.

Grant, Camp, Arizona Ter. Lat. $33^{\circ} 5'$, long. $110^{\circ} 20'$, (about.) Department of Arizona. At the junction of the Arivaypa with the San Pedro River, 56 miles north of Tucson. Reservation declared March 30, 1870. Garrison, four companies cavalry, one company infantry.

Gratiot, Fort, Mich. Lat. $42^{\circ} 55'$, long. $82^{\circ} 23'$. Department of the Lakes. On the right bank of the St. Clair River, one-half mile from the outlet of Lake Huron. Reserved November 11, 1828. Garrison, one company infantry.

Griffin, Fort, Tex. Lat. $32^{\circ} 51'$, long. $99^{\circ} 40'$. Department of Texas. On the Clear Fork of the Brazos River, at a point called Maxwell's Rancho. Built on private lands; steps taken to procure a lease. Garrison, two companies cavalry, three companies infantry.

Griswold, Fort, Conn. Lat. $41^{\circ} 22'$, long. $72^{\circ} 9'$. Department of the East. Post-office address, via New London, Conn. On Groton Hill, west side of New London Harbor. Lands deeded August 3 and September 16, 1812. Purchased March 25 and 26, 1842. Garrison, in charge of ordnance sergeant.

Greenwood, La. Garrison, two companies infantry.

H.

Hall, Fort, Idaho Ter. Lat. $43^{\circ} 10'$, long. 112° , (about.) Department of the Columbia. Post-office address, via Ross's Fork, Idaho Ter. About 25 miles northeast of old Fort Hall, and 140 miles north of Corinne, Utah Ter., the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared October 12, 1870. Garrison, one company infantry.

Halleck, Camp, Nevada. Lat. $40^{\circ} 25'$, long. $115^{\circ} 25'$. Department of California. About 12 miles south of Halleck Station on the Central Pacific Railroad, whence supplies are transported by wagons. Reservation declared October 4, 1870. Garrison, one company cavalry, one company infantry.

Hamilton, Fort, New York Harbor. Lat. $40^{\circ} 37'$, long. $74^{\circ} 2'$. Department of the East. At the southwestern extremity of Long Island, on the east side of the entrance to New York Harbor, about six miles south of New York city. Lands deeded to the United States May 30, 1814, September 11, 1826, March 24, 1852, and September 9, 1862. Garrison, four companies artillery.

Harker, Fort, Kans. Lat. $38^{\circ} 40'$, long. $98^{\circ} 10'$. Department of the Missouri. On the Kansas Pacific Railroad, 218 miles west of Kansas City, Mo. Reservation declared November 3, 1866. Garrison, in charge of agent Quartermaster's Department.

Hancock, Camp, Dakota Ter. Garrison, one company infantry.

Harney, Camp, Oregon. Lat. $43^{\circ} 30'$, long. $118^{\circ} 30'$. Department of the Columbia. On Rattlesnake Creek, 60 miles south of Cañon City, Oregon, and 260 miles from Winnenucca, the nearest station on the Central Pacific Railroad. Provisional reservation. Steps being taken to have it properly reserved. Garrison, two companies cavalry, one company infantry.

Hays, Fort, Kan. Lat. $38^{\circ} 48' 30''$, long. $99^{\circ} 9' 30''$. Department of the Missouri. One-half mile from Hays City, a station on the Kansas Pacific Railroad, 289 miles west of Kansas City, Mo. Reservation declared August 23, 1868. Garrison, four companies cavalry.

Humboldt, Tenn. Lat. 36° , long. 89° , (about.) Department of the South. Garrison, one company infantry.

Huntsville, Ala. Lat. $34^{\circ} 40'$, long. $86^{\circ} 31'$. Department of the South. Garrison, one company infantry.

I.

Independence, Camp, Cal. Lat. $36^{\circ} 55'$, long. $118^{\circ} 10'$, (about.) Department of California. On Oak Creek, in Owen's River Valley, 2 miles north of the town of Independence, and 271 miles from Reno, Nevada, the nearest station on the Central Pacific Railroad. Reservation declared January 23, 1866. Garrison, one company infantry.

Independence, Fort, Mass. Lat. $42^{\circ} 22'$, long. $71^{\circ} 2'$. Department of the East. On Castle Island, south side of inner harbor of Boston. Land deeded to the United States June 25, 1798. Garrison, one company artillery.

Indianapolis Arsenal, Ind. Lat. $39^{\circ} 46'$, long. $86^{\circ} 5'$. At Indianapolis, Ind. Land owned by the United States. "Arsenal of Construction." Garrison, detachment ordnance.

J.

Jackson Barracks, La. Lat. $29^{\circ} 57'$, long. 90° . Department of Texas. At New Orleans, La. Land deeded to the United States December 14, 1823. Garrison, four companies infantry.

Jackson, Fort, La. Lat. $29^{\circ} 29'$, long. $89^{\circ} 31'$. Department of Texas. On the west bank of the Mississippi River, 70 miles below New Orleans. Reserved February 9, 1842. Garrison, in charge of ordnance sergeant.

Jackson, Miss. Lat. $32^{\circ} 23'$, long. $90^{\circ} 8'$. Department of the South. Garrison, three companies infantry.

Jefferson, Fort, Fla. Lat. $24^{\circ} 32'$, long. $82^{\circ} 40'$. Department of the South. At the Garden Key, Tortugas. Reserved September 17, 1845. Garrison, one company artillery.

Johnston, Fort, N. C. Lat. 34° , long. $78^{\circ} 5'$. Department of the East. On the right bank of Cape Fear River, at Smithville. Land ceded to the United States January 1, 1800, and December 19, 1809. Garrison, one company artillery.

K.

Kennebec Arsenal, Me. Lat. $44^{\circ} 19'$, long. $69^{\circ} 50'$. Department of the East. At Augusta, Maine. Land owned by the United States. Garrison, detachment of ordnance.

Key West Barracks, Fla. Lat. $24^{\circ} 33'$, long. $81^{\circ} 52'$. Department of the South. At Key West, Fla. Land owned by the Government. Garrison, two companies artillery.

Klamath, Fort, Oregon. Lat. $42^{\circ} 41' 34''$, long. $121^{\circ} 53'$. Department of the Columbia. Near Lake Klamath, 40 miles north of the California State line, and 350 miles from Reno, Nevada, the nearest station on the Central Pacific Railroad. Reservation declared April 6, 1869. Garrison, one company cavalry, one company infantry.

Knox, Fort, Me. Lat. $44^{\circ} 35'$, long. $68^{\circ} 50'$, (about.) Department of the East. P. O. address: Bucksport, Maine. At the narrows of the Penobscot, opposite Bucksport. Lands deeded to the United States September 4, 1843, December 16, 1843, and March 23, 1844. Garrison, in charge of ordnance sergeant.

L.

Lafayette, Fort, New York Harbor. Lat. $40^{\circ} 37'$, long. $74^{\circ} 2'$. Department of the East. Left of the "Narrows," opposite Fort Hamilton. Land ceded to the United States November 6, 1812. Garrison, in charge of ordnance sergeant.

Lapwai, Fort, I. T. Lat. $46^{\circ} 9'$, long. $116^{\circ} 37'$. Department of the Columbia. On the Lapwai River, 3 miles from its confluence with the Clearwater, a tributary of the Snake River, and 12 miles from the town of Lewiston, located at the junction of the two last-named streams. Reservation declared April 23, 1864. Garrison one company cavalry, one company infantry.

Laramie, Fort, Wyo. T. Lat. $42^{\circ} 12' 38''$, long. $104^{\circ} 31' 26''$. Department of the Platte. On the Laramie River, about half a mile from its junction with the North Platte, and 89 miles north of Cheyenne City, the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared June 22, 1869. Garrison, two companies cavalry, five companies infantry.

Larned, Fort, Kan. Lat. $38^{\circ} 10'$, long. 99° . Department of the Missouri. On Pawnee Fork, about 8 miles from its confluence with the Arkansas River, and 50 miles from Hays City, Kansas, the nearest station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation declared January 3, 1868. Garrison, three companies infantry.

Leavenworth Arsenal, Kan. Lat. $39^{\circ} 21'$, long. $94^{\circ} 44'$. At Fort Leavenworth. Grounds reserved October 10, 1854. Garrison, detachment ordnance.

Leavenworth, Fort, Kan. Lat. $39^{\circ} 21'$, long. $94^{\circ} 44'$. Department of the Missouri. On the west bank of the Missouri River, three miles above Leavenworth City. Grounds

reserved October 10, 1854. Headquarters Department of the Missouri. Garrison, six companies infantry.

Lebanon, Ky. Lat. $37^{\circ} 33'$, long. $85^{\circ} 20'$, (about.) Department of the South. Garrison, one company infantry.

Lee, Fort, Mass. Lat. $42^{\circ} 31'$, long. $70^{\circ} 53'$, (about.) Department of the East. P. O. address: *via* Salem, Mass. In the center of Salem Neck, commanding entrance to Salem and Beverly Harbors. Land ceded to the United States July 31, 1867. Garrison in charge of ordnance sergeant.

Lime Point, Fort at, Cal. Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$, (about.) P. O. address: *via* San Francisco, Cal. In San Francisco Harbor. Land deeded to the United States July 24, 1866. Garrison in charge of ordnance sergeant.

Little Rock, Ark. Lat. $34^{\circ} 40'$, long. $83^{\circ} 10'$. Department of the Missouri. Garrison, one company infantry.

Livingston, Fort, La. Lat. $29^{\circ} 15'$, long. 90° , (about.) Department of Texas. P. O. address: *via* New Orleans, La. On Grand-Terre Island, in Barrataria Bay, 95 miles from New Orleans. Land deeded to the United States January 10, 1834. Garrison in charge of ordnance sergeant.

Long Point Batteries, Mass. Lat. $41^{\circ} 57'$, long. 70° , (about.) Department of the East. P. O. address: *via* Provincetown, Mass. On Long Point, south entrance to Provincetown Harbor, Cape Cod. Land ceded to the United States March 5, 1864. Garrison in charge of ordnance sergeant.

Louisville, Ky. Lat. $38^{\circ} 3'$, long. $85^{\circ} 30'$. Department of the South. Headquarters Military Division of the South, and Headquarters Department of the South.

Lowell, Camp, A. T. Lat. $32^{\circ} 35'$, long. 111° , (about.) Department of Arizona, At Tucson, Arizona Territory. Garrison, one company cavalry, two companies infantry.

Lower Brulé Agency, D. T. Department of Dakota. Garrison, one company infantry.

Lyon, Fort, C. T. Lat. $38^{\circ} 5' 36'$, long. $103^{\circ} 3' 30''$. Department of the Missouri. On the Arkansas River, 54 miles from Kit Carson, the nearest station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation declared September 1, 1868. Garrison, two companies cavalry, two companies infantry.

Lancaster, Ky. Garrison, one company infantry.

M.

Mackinac, Fort, Mich. Lat. $45^{\circ} 51'$, long. $84^{\circ} 33'$. Department of the Lakes. On Michilimackinac Island, in the straits connecting Lakes Michigan and Huron. Reserved November 8, 1827. Garrison, one company infantry.

Macomb, Fort, La. Lat. $30^{\circ} 5' 15''$, long. $89^{\circ} 51' 15''$. Department of Texas. P. O. address: *via* New Orleans, La. On the right bank of Chef Menteur Pass, 25 miles from New Orleans. Reserved February 9, 1842. Garrison, in charge of ordnance sergeant.

Macon, Fort, N. C. Lat. $34^{\circ} 41'$, long. $76^{\circ} 40'$. Department of the East. On Bogue Island, in Beaufort Harbor. Land ceded to the United States December 17, 1807. Garrison, two companies artillery.

Madison Barracks, N. Y. Lat. $43^{\circ} 50'$, long. $77^{\circ} 55'$. Department of the Lakes. At Sackett's Harbor, N. Y. Land purchased by the United States. Garrison, two companies artillery, one company infantry.

Marion, Fort, Fla. Lat. $29^{\circ} 48'$, long. $81^{\circ} 35'$. Department of the South. At Saint Augustine, Fla. Reserved March 23, 1849. Garrison, in charge of ordnance sergeant.

McClary, Fort, Me. Lat. $43^{\circ} 5'$, long. $70^{\circ} 45'$, (about.) Department of the East. P. O. address: Portsmouth, N. H. On Kittery Point in Portsmouth Harbor. Land ceded to the United States March 12, 1808. Garrison, in charge of ordnance sergeant.

McDermitt, Camp, Nevada. Lat. $41^{\circ} 58'$, long. $117^{\circ} 40'$. Department of California. On the east branch of Quinn's River, in Humboldt County, 80 miles north of Winnemucca, the nearest station on the Central Pacific Railroad. Reservation declared October 4, 1870. Garrison, one company cavalry.

McDowell, Camp, A. T. Lat. $33^{\circ} 42' 30''$, long. $111^{\circ} 53'$. Department of Arizona. On the Rio Verde, 52 miles north of Maricopa Wells. Reservation declared April 12, 1867. Garrison, one company cavalry, one company infantry.

McHenry, Fort, Md. Lat. $39^{\circ} 17'$, long. $76^{\circ} 36'$. Department of the East. In the harbor of Baltimore. Lands deeded to the United States July 20, 1795, and at various subsequent dates. Garrison, three companies artillery.

McIntosh, Fort, Tex. Lat. $27^{\circ} 30'$, long. $99^{\circ} 29'$. Department of Texas. On the Rio Grande, at Laredo. Built on private lands; measures taken to obtain a lease. Garrison, one company infantry.

McKavett, Fort, Tex. Lat. $30^{\circ} 55'$, long. $100^{\circ} 5'$. Department of Texas. On the right bank of the San Saba River, about two miles from its source. Land leased by the United States. Garrison, two companies cavalry, five companies infantry.

McPherson, Fort, Neb. Lat. $41^{\circ} 30'$, long. $100^{\circ} 30'$. Department of the Platte. On the Platte River, 6 miles south of McPherson Station, on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared January 22, 1867, and modified in 1870. Garrison, five companies cavalry.

McRae, Fort, N. M. Lat. $33^{\circ} 2'$, long. $107^{\circ} 5'$. Department of the Missouri. At the Ojo del Muerto, 292 miles southwest of Fort Union, the nearest supply-depot. Reservation declared May 28, 1869. Garrison, one company cavalry, one company infantry.

Mifflin, Fort, Pa. Lat. $39^{\circ} 53'$, long. $75^{\circ} 13'$. Department of the East. P. O. address: *via* Philadelphia, Pa. On Mud Island, in the Delaware River, 7 miles below Philadelphia. Land ceded to the United States April 15, 1795. Garrison, in charge of ordnance sergeant.

Mojave Camp, A. T. Lat. $34^{\circ} 56'$, long. $114^{\circ} 40'$. Department of Arizona. On the Colorado River, near the head of Mojave Valley, 209 miles north of Fort Yuma. Reservation declared March 30, 1870. Garrison, one company infantry.

Mourree, Fort, Va. Lat. $37^{\circ} 2'$, long. $76^{\circ} 12'$. Department of the East. On Old Point Comfort, Hampton Roads. Site conveyed to the United States December 12, 1838. Garrison, five companies artillery.

Montgomery, Fort, N. Y. Lat. 45° , long. $73^{\circ} 20'$, (about.) Department of the East. P. O. address: Rouse's Point, N. Y. At Rouse's Point, near the outlet of Lake Champlain. Land deeded to the United States October 17, 1817, November 18, 1817, and May 15, 1818. Garrison, in charge of ordnance sergeant.

Morgan, Fort, Ala. Lat. $30^{\circ} 11'$, long. 88° . Department of the South. P. O. address: *via* Mobile, Ala. At Mobile Point, Mobile Bay. Land deeded to the United States January 18, 1844. Garrison, in charge of ordnance sergeant.

Moultrie, Fort, S. C. Lat. $32^{\circ} 45'$, long. $79^{\circ} 51'$. Department of the South. P. O. address: *via* Charleston, S. C. On Sullivan's Island, in the main entrance to Charleston Harbor. Lands ceded to the United States December 17, 1805; regranted December 12, 1846; deeded January 9, 1844. Garrison in charge of ordnance sergeant.

Mount Vernon Barracks, Ala. Lat. $31^{\circ} 6'$, long. $85^{\circ} 5'$. At Mount Vernon, Alabama. Reserved February 9, 1830. Garrison, two companies infantry.

N.

Nashville, Tenn. Lat. $36^{\circ} 9'$, long. $86^{\circ} 49'$. Department of the South. Garrison, two companies infantry.

Newport Barracks, Ky. Lat. $39^{\circ} 5'$, long. $84^{\circ} 29'$. Department of the South. At Newport, Ky. Lands deeded to the United States. Depot general recruiting service.

New San Diego Barracks, Cal. Lat. $32^{\circ} 42'$, long. $117^{\circ} 14'$. Department of Arizona. At the town of New San Diego. Reserved February 26, 1852. Garrison in charge of ordnance sergeant.

New York Arsenal, N. Y. Lat. $40^{\circ} 42'$, long. $74^{\circ} 1'$. On Governor's Island, New York Harbor. Land ceded to the United States February 15, 1800.

New York City, N. Y. Lat. $40^{\circ} 42'$, long. $74^{\circ} 0' 3''$. Department of the East. Headquarters military division of the Atlantic, and headquarters general recruiting service.

Niagara, Fort, N. Y. Lat. $43^{\circ} 18'$, long. $79^{\circ} 8'$. Department of the Lakes. At Youngstown, N. Y. Land ceded to the United States July 8, 1841. Garrison, one company of artillery.

Newberry, S. C. Garrison, one company infantry.

O.

Omaha, Neb. Lat. $41^{\circ} 16'$, long. 96° . Department of the Platte. Headquarters Department of the Platte.

Omaha Barracks, Neb. Lat. $41^{\circ} 20'$, long. $96'$. Department of the Platte. On the Missouri River, four miles above Omaha City. Land leased by the United States. Garrison, two companies cavalry, and eight companies infantry.

Ontario, Fort, N. Y. Lat. $43^{\circ} 20'$, long. $76^{\circ} 40'$. Department of the Lakes. At Oswego, N. Y. Land ceded to the United States August 15, 1839, including the light-house lot granted in 1821. Garrison, one company artillery.

P.

Pembina, Fort, D. T. Lat. $48^{\circ} 58'$, long. 97° . Department of Dakota. On the left bank of the Red River of the North, two miles from the line of the British Possessions, and 347 miles from Saint Cloud, Minn., the nearest station on the Saint Paul and Pacific Railroad, whence supplies are transported by wagons. Reservation declared October 4, 1870. Garrison, three companies infantry.

Phoenix, Fort, Mass. Lat. $41^{\circ} 38'$, long. $70^{\circ} 55'$. Department of the East. P. O.

address: Fair Haven, Mass. At Fort Point, on left bank of entrance to New Bedford Harbor. Land deeded to the United States September 23, 1803. Garrison, ordnance sergeant.

Pickens, Fort, Fla. Lat. $30^{\circ} 19'$, long. $87^{\circ} 16' 54''$. Department of the South. On Santa Rosa Island, Pensacola Harbor. Land deeded to the United States May 28, 1828. Garrison, ordnance sergeant.

Pickering, Fort, Mass. Lat. $42^{\circ} 31'$, long. $70^{\circ} 53'$, (about.) Department of the East. P. O. address: via Salem, Mass. On Winter Island, north side of entrance to Salem Harbor. Land deeded to the United States September 1, 1794; enlarged January 4, 1865. Garrison, ordnance sergeant.

Pike, Fort, La. Lat. $30^{\circ} 10'$, long. $89^{\circ} 38'$. Department of Texas. On the island of "Petites Coquilles," 35 miles northeast of New Orleans. Reserved February 9, 1842. Garrison, ordnance sergeant.

Pikesville Arsenal, Md. Lat. $39^{\circ} 18'$, long. $76^{\circ} 37'$. At Pikesville, about 8 miles north of Baltimore City. Land owned by the United States. Garrison, detachment ordnance.

Pineckney, Castle, S. C. Lat. $32^{\circ} 46'$, long. $79^{\circ} 57'$. Department of the South. P. O. address: Charleston, S. C. On the north side of Charleston Harbor. Land ceded to the United States December 17, 1805; regranted December 18, 1846. Garrison, ordnance sergeant.

Plattsburgh Barracks, N. Y. Lat. $44^{\circ} 41'$, long. $73^{\circ} 25'$. Department of the East. At Plattsburgh, N. Y. Lands deeded to the United States. Garrison, one company artillery.

Point, Fort, Cal. Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$. Department of California. P. O. address: via San Francisco, Cal. In San Francisco Harbor. Reserved November 6, 1850; modified December 31, 1851. Garrison, ordnance sergeant.

Point San José, Cal. Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$. Department of California. In San Francisco Harbor. Reserved November 6, 1850; modified December 31, 1851. Garrison, one company artillery.

Popham, Fort, Me. Lat. $43^{\circ} 50'$, long. $69^{\circ} 55'$, (about.) Department of the East. P. O. address: via Parker's Head, Me. On Hunkiwell's Point, at the mouth of Kennebec River. Lands deeded to the United States June 21, 1808, June 1, 1863, and June 22, 1863. Garrison, ordnance sergeant.

Porter, Fort, N. Y. Lat. $42^{\circ} 53'$, long. $74^{\circ} 58'$. Department of the Lakes. At Buffalo, N. Y. Lands deeded to the United States May 21, 1842, and at various subsequent dates. Garrison, two companies infantry.

Portland, Oregon. Lat. $45^{\circ} 30'$, long. $122^{\circ} 27' 30''$. Department of the Columbia. Headquarters Department of the Columbia.

Prebble, Fort, Me. Lat. $43^{\circ} 39'$, long. $70^{\circ} 20'$. Department of the East. On Spring Point, the northern extremity of Cape Elizabeth. Lands deeded to the United States February 29, 1808, April 16, 1833, and May 9, 1833. Garrison, one company artillery.

Presidio, Cal. Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$. Department of California. Three miles west of San Francisco. Reserved November 6, 1850; modified December 31, 1851. Garrison, four companies artillery.

Pulaski, Fort, Ga. Lat. $32^{\circ} 2'$, long. $80^{\circ} 34'$. Department of the South. On Cockspur Island, at the mouth of the Savannah River. Lands deeded to the United States March 15, 1830. Garrison, ordnance sergeant.

Q.

Quitman, Fort, Tex. Lat. $31^{\circ} 10'$, long. $105^{\circ} 40'$, (about.) Department of Texas. On the Rio Grande, 80 miles below Franklin, Tex. Built on private lands; measures taken to procure a lease. Garrison, one company infantry.

R.

Raleigh, N. C. Lat. $35^{\circ} 47'$, long. $78^{\circ} 48'$. Department of the East. Garrison, three companies artillery.

Randall, Fort, D. T. Lat. $43^{\circ} 11'$, long. $98^{\circ} 12'$. Department of Dakota. On the right bank of the Missouri River, 146 miles above Sioux City, Iowa, the present terminus of the Sioux City and Pacific Railroad, whence supplies are transported by boats. Reservation declared June 14, 1860; reduced September 9, 1867; restored to original limits October 25, 1870. Garrison five companies infantry.

Reynolds, Fort, C. T. Lat. $38^{\circ} 15'$, long. $104^{\circ} 12'$. Department of the Missouri. On the Arkansas River, 20 miles east of Pueblo, and 92 miles from Kit Carson, the nearest station on the Kansas Pacific Railroad. Reservation ordered June 22, 1868. Garrison in charge of quartermaster's agent.

Rice, Fort, D. T. Lat. $46^{\circ} 40'$, long. $100^{\circ} 30'$. Department of Dakota. On the right bank of the Missouri River, 760 miles above Sioux City, Iowa, the present terminus of

the Sioux City and Pacific Railroad, whence supplies are transported by boats. Reservation declared January 22, 1867. Garrison, four companies cavalry.

Richardson, Fort, Tex. Lat. $33^{\circ} 15'$, long. 98° . Department of Texas. Adjoining the town of Jackborough. Land owned by private parties; steps taken to procure a lease. Garrison, three companies cavalry and four companies infantry.

Riley, Fort, Kan. Lat. $38^{\circ} 4' 20''$, long. $96^{\circ} 43'$. Department of the Missouri. On the line of the Kansas Pacific Railroad, 137 miles from Kansas City, Missouri. Reservation declared May 5, 1855; reduced as per act of March 2, 1867. Garrison, one company cavalry and two companies infantry.

Ringgold Barracks, Tex. Lat. $26^{\circ} 23'$, long. $99^{\circ} 2'$. Department of Texas. At Rio Grande City. Lands leased by the Government. Garrison, five companies cavalry and three companies infantry.

Ripley, Fort, Minn. Lat. $46^{\circ} 10' 30''$, long. $94^{\circ} 18' 45''$. Department of Dakota. On the west bank of the Mississippi River, 47 miles north of Sank Rapids, the present terminus of the St. Paul and Pacific Railroad, whence supplies are transported by wagons. Lands reserved September 15, 1849. Garrison, two companies infantry.

Rock Island Army and Arsenal, Ill. Lat. $41^{\circ} 30'$, long. $90^{\circ} 40'$. On Rock Island, in the Mississippi River, opposite Davenport, Iowa. Located on old Fort Armstrong reservation; additional lands purchased under act of April 19, 1864. "Arsenal of construction." Garrison, detachment ordnance.

Russell, D. A., Fort, Wyo. T. Lat. $41^{\circ} 8'$, long. $104^{\circ} 45'$. Department of the Platte. On the line of the Union Pacific Railroad, near Cheyenne City, 520 miles beyond Omaha, Neb. Reservation declared June 28, 1869. Garrison, four companies cavalry and eight companies infantry.

S.

San Antonio Arsenal, Tex. Lat. $29^{\circ} 32'$, long. $98^{\circ} 52'$. At San Antonio, Tex. Land owned by the United States. "Arsenal of construction." Garrison, detachment ordnance.

San Antonio, Tex. Lat. $29^{\circ} 32'$, long. $98^{\circ} 52'$. Department of Texas. Headquarters Department of Texas.

Sanders, Fort, Wyo. T. Lat. $41^{\circ} 13' 4''$, long. $105^{\circ} 30' 22''$. Department of the Platte. On the line of the Union Pacific Railroad, 570 miles beyond Omaha, Neb. Reservation declared January 7, 1867; enlarged June 28, 1869. Garrison, two companies cavalry and four companies infantry.

Sandy Hook, Fort at, N. J. Lat. $40^{\circ} 25'$, long. 74° , (about.) Department of the East. P. O. address, via New York City. On the northern end of Sandy Hook. Land deeded to the United States February 26, 1806, and June 17, 1817. Garrison, Ordnance sergeant.

San Francisco, Cal. Lat. $37^{\circ} 47' 35''$, long. $122^{\circ} 26' 15''$. Department of California. Headquarters Military Division of the Pacific, and Headquarters Department of California.

San Juan Island, Wash. T. Lat. $48^{\circ} 30'$, long. $123^{\circ} 4'$. Department of the Columbia. In Archipelago de Haro. Garrison, one company infantry.

Santa Fé, N. M. Lat. $35^{\circ} 41'$, long. $106^{\circ} 10'$. Department of the Missouri. Headquarters District of New Mexico, and Headquarters Eighth Cavalry.

Savannah, Ga. Lat. $32^{\circ} 5'$, long. $81^{\circ} 8'$. Department of the South. Garrison, one company artillery.

Scammel, Fort, Me. Lat. $43^{\circ} 39'$, long. $70^{\circ} 20'$. Department of the East. P. O. address, Portland, Me. On House Island, in Portland Harbor. Land deeded to the United States February 29, 1808. Garrison, ordnance sergeant.

Schuyler, Fort, N. Y. Harbor. Lat. $40^{\circ} 48' 45''$, long. $73^{\circ} 42' 45''$. Department of the East. At Throg's Neck, north side of the junction of East River with Long Island Sound, 17 miles from New York City. Land deeded to the United States July 26, 1826. Garrison, ordnance sergeant.

Sedgwick, Fort, C. T. Lat. 41° , long. $102^{\circ} 30'$. Department of the Platte. On the South Platte River, $3\frac{1}{4}$ miles from Julesburgh, Neb., the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared July 28, 1869. Garrison in charge of agent Quartermaster's Department.

Selden, Fort, N. M. Lat. $32^{\circ} 27' 6''$, long. $106^{\circ} 53' 30''$. Department of the Missouri. On the east bank of the Rio Grande, 12 miles above Doña Ana, and 350 miles from Fort Union, the nearest supply-depot. Reservation declared November 28, 1870. Garrison, one company infantry.

Sewall, Fort, Mass. Lat. $42^{\circ} 30' 18''$, long. $70^{\circ} 50' 30''$. Department of the East. P. O. address, Marblehead, Mass. On the west point of the harbor of Marblehead. Land deeded to the United States August 30, 1794. Garrison, ordnance sergeant.

Seward, Fort, D. T. Garrison, one company infantry.

Shaw, Fort, M. T. Lat. $47^{\circ} 30' 3''$, long. $111^{\circ} 40'$. Department of Dakota. On the

right bank of Sun River, 80 miles north of Helena, M. T., and 560 miles north of Corinne, U. T., the nearest station on the Union Pacific Railroad, whence supplies are transported by wagons. Reservation declared January 11, 1870. Garrison, seven companies infantry.

Ship Island, Miss. Lat. $30^{\circ} 20'$, long. $89^{\circ} 7'$. Department of Texas. In the Gulf of Mexico, 30 miles north of the Chandeleur Islands. Reserved August 30, 1847. Garrison, ordnance sergeant.

Sidney Barracks, Neb. Lat. 41° , long. 103° . Department of the Platte. In the Lodge-Pole Creek Valley, one-quarter of a mile from Sidney, a station on the Union Pacific Railroad. Reservation announced by department commander June 20, 1871. Garrison, one company cavalry and one company infantry.

Sill, Fort, Indian Ter. Lat. $34^{\circ} 40'$, long. $98^{\circ} 30'$. Department of the Missouri. At the junction of Medicine Bluff and Cache Creeks, 7 miles south of Mount Scott, and 329 miles from Fort Harker, the nearest station of the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation not yet declared. Garrison, five companies cavalry, three companies infantry.

Sitka, Alaska T. Lat. $57^{\circ} 3'$, long. $135^{\circ} 18'$. Department of the Columbia. Garrison, two companies artillery.

Snelling, Fort, Minn. Lat. $44^{\circ} 52' 46''$, long. $93^{\circ} 4' 54''$. Department of Dakota. In the angle formed by the confluence of the St. Peter and Mississippi Rivers, about 5 miles below St. Paul. Reserved May 25, 1853; modified November 16, 1853; reduced as per act of May 7, 1870. Garrison, two companies infantry.

Springfield Armory and Arsenal, Mass. Lat. $42^{\circ} 6' 4''$, long. $72^{\circ} 35' 45''$. At Springfield, Mass. Land owned by the United States. "Arsenal of construction." Garrison, detachment of ordnance.

Stambaugh, Camp, Wyo. T. Lat. $42^{\circ} 30'$, long. 109° . Department of the Platte. In Smith's Gulch, (the region of the Sweetwater gold-mines,) $2\frac{1}{2}$ miles from Atlantic City, 67 miles from "Point of Rocks," the nearest station on the Union Pacific Railroad, and 105 miles from Bryan Station, on the same road, whence supplies are transported by wagons. Reservation not yet declared. Garrison, one company infantry.

Standish, Fort, Mass. Lat. $41^{\circ} 57' 26''$, long. $70^{\circ} 40' 19''$. Department of the East. P. O. address, via Plymouth, Mass. At Saquish Head, northern entrance to Plymouth Harbor. Land deeded to the United States June 10, 1870. Garrison, ordnance sergeant.

Stanton, Fort, N. M. Lat. $33^{\circ} 29' 37''$, long. $105^{\circ} 38' 19''$. Department of the Missouri. On the Rio Bonito, 9 miles from the town of Placita, and 207 miles from Fort Union, the nearest supply-depot. Reserved May 12, 1859. Garrison, two companies cavalry, one company infantry.

Steele, Fred., Fort, Wyo. T. Lat. $41^{\circ} 48'$, long. $107^{\circ} 9'$. Department of the Platte. At the point where the Union Pacific Railroad crosses the North Platte River, 692 miles beyond Omaha, Nebraska. Reservation declared June 28, 1869. Garrison, one company cavalry, four companies infantry.

Stevens, Fort, Oreg. Lat. $46^{\circ} 4'$, long. $123^{\circ} 42'$. Department of the Columbia. Near the mouth of the Columbia River, about 9 miles from Astoria. Reserved February 26, 1862. Garrison, one company artillery.

Stevenson, Fort, D. T. Lat. $47^{\circ} 34' 40''$, long. $101^{\circ} 17'$. Department of Dakota. At the confluence of Douglas Creek with Missouri River, 923 miles above Sioux City, Iowa, the present terminus of the Sioux City and Pacific Railroad, whence supplies are transported by boats. Reservation ordered June 30, 1867. Garrison, two companies infantry.

St. Louis Arsenal, Mo., (formerly Jefferson Barracks.) Lat. $38^{\circ} 28''$, long. $90^{\circ} 8'$. On the west bank of the Mississippi River, 9 miles below St. Louis. Lands purchased by the Government. "Arsenal of construction." Garrison, detachment ordnance.

St. Louis Barracks, Mo., (formerly St. Louis Arsenal.) Lat. $38^{\circ} 37' 28''$, long. $90^{\circ} 15' 16''$. Department of the Missouri. At St. Louis, Mo. Lands purchased by the Government. Headquarters of the superintendent and principal depot Mounted Recruiting Service.

Stockton, Fort, Tex. Lat. $30^{\circ} 50'$, long. $102^{\circ} 35'$. Department of Texas. At Comanche Springs, on the Comanche trail, 74 miles northeast of Fort Davis. Built on private lands; measures taken to obtain a lease. Garrison, one company cavalry, two companies infantry.

St. Paul, Minn. Lat. $44^{\circ} 52' 46''$, long. $93^{\circ} 5'$. Department of Dakota. Headquarters Department of Dakota, and headquarters Seventh Cavalry.

St. Philip, Fort, La. Lat. $29^{\circ} 29'$, long. $89^{\circ} 31'$. Department of Texas. On the east bank of the Mississippi River, 70 miles below New Orleans. Reserved February 9, 1842. Garrison, ordnance sergeant.

Sullivan, Fort, Me. Lat. $44^{\circ} 44'$, long. $67^{\circ} 4'$. Department of the East. On Moose Island, Passamaquoddy Bay, near Eastport, Maine. Lands deeded to the United States June 2, 1809, and at various subsequent dates. Garrison, ordnance sergeant.

Sully, Fort, D. T. Lat. $44^{\circ} 20'$, long. $100^{\circ} 10'$. Department of Dakota. On the left

bank of the Missouri River, 318 miles above Sioux City, Iowa, the present terminus of the Sioux City and Pacific Railroad, whence supplies are transported by boats. Reservation declared December 10, 1869. Garrison, four companies infantry.

Sumter, Fort, S. C. Lat. $32^{\circ} 45'$, long. $79^{\circ} 51'$. Department of the South. P. O. address, via Charleston, S. C. In Charleston Harbor. Site ceded to the United States December 31, 1836. Garrison, ordnance sergeant.

Supply, Camp, Indian T. Lat. $36^{\circ} 28' 44''$, long. $99^{\circ} 37' 21''$. Department of the Missouri. Near the junction of the Wolf and Beaver Creeks, 165 miles south of Hays City, Kansas, the nearest station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation not yet declared. Garrison—two companies cavalry and three companies infantry.

Saint Augustine, Fla. Garrison, two companies artillery.

T.

Taylor, Fort, Fla. Lat. $24^{\circ} 33'$, long. $81^{\circ} 40'$. Department of the South. At Key West, Fla. Lands deeded to the Government. Garrison, ordnance sergeant.

Totten, Fort, D. T. Lat. $47^{\circ} 59' 6''$, long. $98^{\circ} 54'$. Department of Dakota. On the southeastern shore of Devil's Lake, 378 miles northwest of Saint Cloud, Minnesota, the nearest station on the Saint Paul and Pacific Railroad, whence supplies are transported by wagons. Reservation declared January 11, 1870. Garrison, two companies cavalry, two companies infantry.

Trumbull, Fort, Conn. Lat. $41^{\circ} 31'$, long. $72^{\circ} 6'$. Department of the East. On the right bank of the Thames River, near New London, Connecticut. Land deeded to the United States January 17, 1805, and April 9, 1833. Garrison—two companies artillery.

Tulerosa, Fort, N. M. Garrison, two companies infantry.

U.

Union Arsenal, N. M. Lat. $35^{\circ} 54' 21''$, long. $104^{\circ} 57' 15''$. At Fort Union. On Fort Union reservation. Garrison, detachment ordnance.

Union, Fort, N. M. Lat. $35^{\circ} 54' 21''$, long. $104^{\circ} 57' 15''$. Department of the Missouri. In a valley near the base of the Gallinas or Turkey Mountains, five miles from the Rio Moro, and 387 miles from Sheridan City, the station on the Kansas Pacific Railroad, whence supplies are transported by wagons. Reservation declared October 13, 1868. Garrison, three companies cavalry, one company infantry.

V.

Vancouver Arsenal, Wash. T. Lat. $45^{\circ} 40'$, long. $122^{\circ} 30'$. At Fort Vancouver. On Fort Vancouver reservation. Garrison, detachment ordnance.

Vancouver, Fort, Wash. T. Lat. $45^{\circ} 40'$, long. $122^{\circ} 30'$. Department of the Columbia. On the Columbia River, 18 miles north of Portland, Oregon. Site selected in 1849, under treaty of June 15, 1846. Garrison, one company infantry.

Verde, Camp, A. T. Lat. $34^{\circ} 37'$, long. $111^{\circ} 54'$. Department of Arizona. On the Rio Verde, 38 miles from Prescott. Reservation declared March 30, 1870. Garrison, two companies cavalry, two companies infantry.

W.

Wadsworth, Fort, D. T. Lat. $45^{\circ} 43' 30''$, long. $97^{\circ} 30'$. Department of Dakota. On Kettle Lake, one hundred and ninety-seven miles west of Saint Cloud, Minn., the station on the Saint Paul and Pacific Railroad, whence supplies are transported by wagons. Reservation declared March, 1867, and October 14, 1867; modified February 7, 1871. Garrison, two companies of infantry.

Wadsworth, Fort, New York Harbor. Lat. $40^{\circ} 37'$, long. $74^{\circ} 3'$. Department of the East. On Staten Island, at the Narrows. Land granted to the United States February 15, 1847. Garrison, one company of artillery.

Wallace, Fort, Kans. Lat. $38^{\circ} 47' 20''$, long. $101^{\circ} 35'$. Department of the Missouri. At the junction of Pond Creek with the South Fork of the Smoky Hill River, two miles from Wallace station on the Kansas Pacific Railroad. Reservation declared August 28, 1868. Garrison, one company of cavalry and one company of infantry.

Warner, Camp, Oreg. Lat. $42^{\circ} 50'$, long. 120° . Department of the Columbia. Fifteen miles west of Warner Lake, and thirty-five miles from the California and Oregon State line. Provisional reservation; not yet declared by President. Garrison, one company of infantry.

Warren, Fort, Mass. Lat. $42^{\circ} 20'$, long. 71° . Department of the East. On George's Island, Boston Harbor. Land ceded to the United States June 22, 1825. Garrison, one company of artillery.

Walla-Walla, Fort, Wash. Garrison, three companies of cavalry and two companies of infantry.

Washington Arsenal, D. C. Lat. $38^{\circ} 53' 39''$, long. $77^{\circ} 2' 48''$. At Washington City. Land owned by the United States. Arsenal of construction. Garrison, detachment of ordnance.

Washington, Fort, Md. Lat. $38^{\circ} 43'$, long. $77^{\circ} 6'$. Department of the East. On the left bank of the Potomac River, fifteen miles below Washington City. Lands deeded to the United States April 15, 1808, and at various subsequent dates. Garrison, in charge of Engineer Department.

Watertown Arsenal, Mass. Lat. $42^{\circ} 21'$, long. $71^{\circ} 9'$. At Watertown, Mass. Land owned by the United States. Arsenal of construction. Garrison, detachment of ordnance.

Watervliet Arsenal, N. Y. Lat. $42^{\circ} 44'$, long. $73^{\circ} 40'$. At Troy, N. Y. Land owned by the United States. Arsenal of construction. Garrison, detachment of ordnance.

Wayne, Fort, Mich. Lat. $42^{\circ} 20'$, long. $82^{\circ} 58'$. Department of the Lakes. On the right bank of Detroit Strait, three miles below Detroit. Land ceded to the United States June 3, 1842, and April 15, 1844. Garrison, three companies of infantry.

West Point Military Academy, New York. Lat. $41^{\circ} 23' 33''$, long. $73^{\circ} 51' 15''$. At West Point, N. Y. Land deeded to the United States September 10, 1790, and May 13, 1824. Company E, Engineer Battalion.

Whipple, Fort, Ariz. Lat. $34^{\circ} 32'$, long. $112^{\circ} 31'$. Department of Arizona. Near Prescott, Ariz. Reservation announced by department commander October 5, 1869; modified April 29, 1870. Garrison, one company of cavalry and one company of infantry.

Whipple, Fort, Va. Lat. $38^{\circ} 53'$, long. $77^{\circ} 2' 50''$. On Arlington Heights, one and a half miles from Georgetown, D. C. Garrison, detachment of Signal Corps.

Willet's Point, New York Harbor. Lat. $40^{\circ} 47' 25''$, long. $73^{\circ} 46' 15''$. Department of the East. Land deeded to the United States May 16, 1857, and April 14, 1863. Garrison, four companies Engineer Battalion.

Wingate, Fort, N. Mex. Lat. $35^{\circ} 22'$, long. $108^{\circ} 10'$. Department of the Missouri. At the head-waters of the Rio Puerco of the West, 280 miles west of Fort Union, the nearest supply depot. Reservation declared February 18, 1870. Garrison, three companies cavalry and one company infantry.

Winthrop, Fort, Mass. Lat. $42^{\circ} 25'$, long. $70^{\circ} 30'$, (about.) Department of the East. Post-office address: Boston, Mass. On Governor's Island, in Boston Harbor. Land deeded to the United States May 18, 1808, and February 23, 1846. Garrison, ordnance sergeant.

Wolcott Fort, R. I. Lat. $41^{\circ} 30'$, long. $71^{\circ} 20'$. Department of the East. Post-office address: Newport, R. I. On Goat Island, in Newport Harbor. Land ceded to the United States in 1784. Garrison, ordnance sergeant.

Wood, Fort, New York Harbor. Lat. $40^{\circ} 42'$, long. $74^{\circ} 2'$. Department of the East. On Bedloe's Island. Land ceded to the United States February 15, 1800. Garrison, one company artillery.

Wool, Fort, Va. Lat. $37^{\circ} 2'$, long. $76^{\circ} 12'$. Post-office address: *via* Fort Monroe, Va. On "Rip Raps," in Hampton Roads. Site ceded to the United States March 1, 1821. Garrison in charge of Engineer Department.

Wright, Camp, Cal. Lat. $39^{\circ} 47'$, long. $123^{\circ} 15'$. Department of California. In Round Valley, 203 miles north of San Francisco. Reservation declared April 27, 869. Garrison, one company infantry.

Y.

Yerba Buena Island, Cal. Lat. $37^{\circ} 48'$, long. $122^{\circ} 26'$. Department of California. In San Francisco Harbor. Reserved November 6, 1850; reduced October 12, 1866. Garrison, detachment of artillery.

Yorkville, S. C. Lat. 35° , long. $81^{\circ} 8'$, (approximate.) Department of the South. Garrison, one company infantry.

Yuma, Fort, Cal. Lat. $32^{\circ} 32' 3''$, long. $114^{\circ} 36' 9''$. Department of Arizona. At the junction of the Gila and Colorado Rivers. Reservation declared January 22, 1867. Garrison, two companies of infantry.

Statement of the Adjutant-General, showing the present number of vacancies, and the vacancies created during the last year.

Rank.	In service.	Vacancies.
GENERAL OFFICERS AND GENERAL STAFF CORPS.		
General officers.....	18	.....
Colonels.....	27	3
Lieutenant-colonels.....	32	10
Majors.....	174	25
Captains.....	206	74
First lieutenants.....	37	5
Second lieutenants.....	12	8
Total.....	506	125
LINE.		
Colonels.....	40	.....
Lieutenant-colonels.....	40	.....
Majors.....	70	.....
Captains.....	430	.....
First lieutenants.....	556	.....
Second lieutenants.....	405	44
Post chaplains.....	30	.....
Regimental chaplains.....	3	1
Total.....	1,574	45
Retired officers.....	298	2
Grand total.....	2,378	172

Casualties for year ending January 1, 1874.

Recapitulation.	Staff officers.	Line officers.	Retired officers.	Total.
Resigned.....	11	36	1	48
Died.....	9	29	8	46
Dismissed.....		6		6
Cashiered.....		5	1	6
Dropped.....		1		1
Total.....	20	77	10	107
Present vacancies.....				172
Casualties last year.....				107
Total.....				279

Statement by the Chief Signal-Officer of the Army of the annual expenditure for signal-service.

WAR DEPARTMENT,
Washington, D. C., January 24, 1874.

SIR: I have the honor to acknowledge the receipt of your letter, dated 21st of January, 1874, requesting information regarding the expenditures of this office and also the amount expended by the different Bureaus of

the War Department, for pay, clothing, rations, &c., of officers and enlisted men employed in the Signal Service of the Army. There has been assigned for this duty during the present fiscal year an average number of twelve officers and four hundred and fifty enlisted men of the Army; this force has been serving at eighty-nine different points and stations.

It has been aimed to make all the enlisted men soldiers before putting them on the duties, by which they pay for themselves in time of peace.

The total of expenditures for the maintenance of this force, including pay and allowances of officers and pay, clothing, food and transportation of enlisted men, &c., as a part of the military establishment of the United States, has been at the rate of \$417,680.61 for one year. These figures are as near as can be approximated from the records of this office and are computed under heads as follows:

For pay	\$110,684 00
For fuel, forage, &c., for officers and commutation of fuel, quarters, and extra duty pay of enlisted men	125,345 52
For rations and commutation of rations for enlisted men ..	110,070 00
For clothing	30,355 00
For transportation	16,476 09
For rent office of the Chief Signal-Office, gas, burial-expenses, expressage, &c	13,000 00
For medical expenses	950 00
For horses, means of transportation, forage, &c., at Fort Whipple	10,800 00
Total	417,680 61

These expenditures for these officers and men assigned for this especial service have, therefore, been at the rate of \$904 per man per year.

The appropriation for the special expenditures of the Signal-Service for the present fiscal year have been as follows:

For the observation and report of storms for the benefit of commerce and agriculture throughout the United States, \$296,000.

For expenses of the Signal-Service of the Army, purchase and repair of field electric telegraph and signal-equipments, \$12,500.

There has been paid out from this fund for instruments, telegraphing, signal-equipments, field telegraph trains, for expenses of storm-signals displayed at ports, river-reports, for maps and bulletins to be displayed in chambers of commerce and board of trade rooms, life-saving stations, farmers bulletins, maps, printing and expenses of every description for the service in its especial duties for the Army and for the benefit of commerce and agriculture at all of the stations throughout the territory of the United States for the fiscal year to January 1, 1874, the sum of \$216,733.48. A large proportion of this expense is for permanent articles, which will not need to be replaced. The total of expenditures of this nature for the year, it is estimated, will be \$353,500.

The sum of \$11,747 has been paid to the Post-Office Department for postages, out of the appropriation for that purpose. These postages have been for correspondence and for bulletins and reports mailed from distributing centers to be displayed for the benefit of farmers and interior populations at villages and points not reached by telegraph.

The printing done by the Public Printer for the present fiscal year has been paid for from the general fund for the War Department, of which no data are at this office.

By the legislation of the last Congress, a sum of \$30,000 was appropriated for the construction of a telegraph-line to connect signal-stations

at the life-saving stations or light-houses along dangerous coasts. A line is in process of completion, and nearly completed, along the sea-coasts, from Cape Hatteras to Norfolk, and from Cape May to Sandy Hook. It is claimed to have already been the means of saving, through a signal-station upon it, a cargo of tea valued at \$105,000.

A schedule of the distribution of the service is herewith. An idea of its distribution and uses can be had from the fact that it is estimated that the aggregate expense of the service, for the year, would amount to a cost of 43 cents per day, including amount of postage, for each separate city, village, station, or post-office at which the farmers' bulletin and other bulletins of report are regularly and daily displayed; if that alone of all done by the office were taken into consideration. This, however, is regarded as only an incidental and lesser labor among its duties.

Very respectfully, your obedient servant,

ALBERT J. MYER,

Brig. Gen., (Brt. assigned,) Chief Signal-Officer of the Army.

DISTRIBUTION OF THE SIGNAL-SERVICE.

1. The office of the Chief Signal-Officer of the Army, the central office of the service, and with which all reporting stations are in telegraphic communication. The records are here concentrated. It is also the office of supply.

2. Fort Whipple is the school of instruction in military signaling and telegraphy: the display of signals and duties of the signal-service.

Number of regular stations from which telegraphic reports are made tri-daily, 89, located at the following-named cities:

Albany, N. Y.	Fort Gibson, Ind. T.	Omaha, Nebr.
Alpena, Mich.	Fort Sully, Dak.	Oswego, N. Y.
Atlantic City, N. J.	Galveston, Tex.	Pembina, Dak.
Augusta, Ga.	Grand Haven, Mich.	Philadelphia, Pa.
Baltimore, Md.	Indianapolis, Ind.	Peek's Beach, N. J.
Bangor, Me.	Indianola, Tex.	Pike's Peak, Colo.
Barnegat, N. J.	Jacksonville, Fla.	Pittsburgh, Pa.
Boston, Mass.	Keokuk, Iowa.	Portland, Me.
Breckenridge, Minn.	Key West, Fla.	Portland, Oreg.
Buffalo, N. Y.	Knoxville, Tenn.	Punta Rassa, Fla.
Burlington, Vt.	La Crosse, Wis.	Rochester, N. Y.
Cairo, Ill.	Lake City, Fla.	San Diego, Cal.
Cape May, N. J.	Leavenworth, Kans.	Sandy Hook, N. J.
Cape Henry, Va.	Lexington, Ky.	San Francisco, Cal.
Charleston, S. C.	Long Branch, N. J.	Santa Fé, N. Mex.
Cheyenne, Wash.	Louisville, Ky.	Savannah, Ga.
Chicago, Ill.	Lynchburgh, Va.	Shreveport, La.
Cincinnati, Ohio.	Marquette, Mich.	Springfield, Mass.
Cleveland, Ohio.	Memphis, Tenn.	Squam Beach, N. J.
Corinne, Utah.	Milwaukee, Wis.	Saint Louis, Mo.
Colorado Springs, Colo.	Mobile, Ala.	Saint Paul, Minn.
Davenport, Iowa.	Montgomery, Ala.	Toledo, Ohio.
Denver, Colo.	Morgantown, W. Va.	Vicksburgh, Miss.
Detroit, Mich.	Mt. Washington, N. H.	Virginia City, Mont.
Dubuque, Iowa.	Nashville, Tenn.	Washington, D. C.
Du Luth, Minn.	New Haven, Conn.	Wilmington, N. C.
Eastport, La.	New London, Conn.	Wood's Hole, Mass.
Erie, Pa.	New Orleans, La.	Wytheville, Va.
Escanaba, Mich.	New York, N. Y.	Yankton, Dak.
Fort Benton, Mont.	Norfolk, Va.	

The stations at the larger cities are stations of this class.

Number of special river-stations from which reports are made by telegraph, 19, located at the following-named cities:

Freeport, La.	New Geneva, Pa.	Marietta, Ohio.
Hermann, Mo.	Lexington, Mo.	Saint Joseph, Mo.
Jefferson City, Mo.	Kansas City, Mo.	Warsaw, Ill.
Oil City, Pa.	Brunswick, Mo.	Paducah, Ky.
Brownsville, Pa.	Little Rock, Ark.	Booneville, Mo.
Evansville, Ind.	Plattsburgh, Nebr.	Le Claire, Iowa.
Confluence, Pa.		

At the special river-stations the depth of water, occurrence of floods, ice-gorges, &c., are bulletined daily for the benefit of the river commerce and commercial interests.

Cautiounary storm-signals are displayed at 37 ports and harbors, as follows:

Alpena, Mich.	Eastport, Me.	New York, N. Y.
Atlantic City, N. J.	Erie, Pa.	Norfolk, Va.
Baltimore, Md.	Escanaba, Mich.	Oswego, N. Y.
Barneгат, N. J.	Grand Haven, Mich.	Peek's Beach, N. J.
Boston, Mass.	Jacksonville, Fla.	Portland, Me.
Buffalo, N. Y.	Long Branch, N. J.	Rochester, N. Y.
Cape May, N. J.	Marquette, Mich.	Sandy Hook, N. J.
Cape Henry, Va.	Milwaukee, Wis.	Savannah, Ga.
Charleston, S. C.	Mobile, Ala.	Squam Beach, N. J.
Chicago, Ill.	New Haven, Conn.	Toledo, Ohio.
Cleveland, Ohio.	New London, Conn.	Wilmington, N. C.
Detroit, Mich.	New Orleans, La.	Wood's Hole, Mass.
Du Luth, Minn.		

At the signal-stations at sea-coast and lake ports notice of the approach of probable storms is given by the display of storm-signals, by day or at night, for the benefit of the shipping and commercial interests.

Number of centers of distribution, 18, located at the following cities:

Albany, N. Y.	Cincinnati, Ohio.	New Orleans, La.
Angusta, Ga.	Detroit, Mich.	New York, N. Y.
Bangor, Me.	Leavenworth, Kans.	Pittsburgh, Pa.
Boston, Mass.	Memphis, Tenn.	Springfield, Mass.
Buffalo, N. Y.	Montgomery, Ala.	Saint Louis, Mo.
Chicago, Ill.	Nashville, Tenn.	Washington, D. C.

From these centers of distribution the regular telegraphic report is distributed daily, to be displayed in frames at each post-office within a radius of one hundred miles, for the benefit of the farming and interior populations and agricultural interests.

The number of post-office stations at which reports are thus bulletined daily is 4,833.

WASHINGTON, D. C., February 14, 1874.

General A. B. EATON examined:

The CHAIRMAN. State whether the force of officers and employes in the Bureau of Subsistence can be diminished to the advantage of the Government and in the interest of economy.

General EATON. I do not think the number of officers or the clerical force in the Subsistence Bureau can, in the interest of economy and the benefit of the service, be reduced under the present requirements upon it.

Question 2. Can it be in any portion of the Department?

Answer. I think the civilian force employed by the Department generally can be reduced somewhat, both in number of employes and in their salaries, and this is now being done under the orders of the Secretary of War.

Question 3. How much can it be diminished?

Answer. I reported a short time since that it could be reduced to fifty

clerks and seventy-five other civilian employés. This will be as great a reduction as can be made under present circumstances.

Question 4. Is that force employed here or elsewhere?

Answer. That force is employed out of the Bureau by the purchasing and other commissaries. It is independent of the clerical force of the Bureau now authorized by law. I will say that all practicable efforts are being made to comply with the economical necessities of the day. The Subsistence Department is retrenching expenses as much as possible.

Question 5. State whether, if the Army should be reduced 5,000 men and a corresponding number of officers and organizations, a like reduction of the force in your department could be made; and, if so, what reduction.

Answer. There would, doubtless, be some reduction practicable if there were a less number of points of purchase and supply. If these were diminished, of course there would be some reduction practicable.

Question 6. What is your opinion of the system of advertising for bids for furnishing subsistence to the Army?

Answer. My impression has been that a system of advertising could be devised which would be less expensive than the present one, though I hesitate to express an assured opinion on the subject.

Question 7. State what the present one is.

Answer. It is that no advertisement can be made except a copy of it is previously furnished to the War Department for approval.

Question 8. What papers do you advertise in?

Answer. Exclusively in the papers designated by the Secretary of War, or by the Clerk of the House of Representatives, who, I think, has the authority of law for designating what papers advertisements may appear in.

Question 9. Does the Secretary of War designate the papers each particular advertisement is to appear in, or are there regular papers in which you advertise?

Answer. In each section of the country there are certain papers in which advertisements may be published; but the officer inserting the advertisement is not obliged to publish them in all the papers designated, but in those which he thinks sufficient to give his advertisement sufficient publicity. He must, however, so far as may be practicable, divide his patronage among all of them. He cannot, however, advertise in any paper not designated by the Secretary of War.

Question 10. Designate, now, if you can, or hereafter when you come to correct your testimony, what papers you are directed to publish your advertisements in?

Answer. I here hand you a list of newspapers authorized to publish advertisements of the War Department and its Bureaus, corrected to this date, and also a copy of the Revised Regulations of the War Department relative to newspaper advertising, which will furnish the desired information.

Question 11. Please state the rates of advertising.

Answer. Each newspaper has its own rates, and the officer advertising is informed of them. When the bill comes in it goes to the chief clerk of the War Department, who has a visé or approval of all bills of that character, and no bills for advertising are paid until they are so approved.

Question 12. State whether advertisements are published exclusively in papers at the great business centers?

Answer. I believe advertisements are published with the design of

reaching such markets or individuals as are likely to respond to them. They are sometimes published in other papers, but frequently without authority. Many advertisements have been inserted in papers published in parts of the country remote from the points of purchase.

Question 13. Are they paid for by your department?

Answer. Not unless they are approved by the War Department.

Question 14. By what authority do these papers take up these advertisements?

Answer. I have supposed the publishers thought they had the authority of law for it.

Question 15. Is it the practice for these papers to republish those advertisements?

Answer. Not now, I believe. I think no paper is now paid for an advertisement unless previously authorized to insert it.

Question 16. Are you sure of that?

Answer. That is the order of the War Department, and I think its observance is always required.

Question 17. In that connection state what reforms you would suggest in the publication of these advertisements.

Answer. I hesitate now to recommend any considerable change, as it is a matter I have not thoroughly investigated; but my impression is that the system might be made more pliable in ready adaptation to varying conditions.

Question 18. Can you tell the annual expenditures for advertising in your department?

Answer. I cannot. There is a record of them kept in the War Department, but none kept in the Subsistence Bureau.

Question 19. Would it not be well to keep such a record?

Answer. Perhaps it would; but as one is kept in the War Department, that is probably all that is necessary. The clerical force in the Subsistence Bureau is so small that additional records cannot be undertaken.

Revised regulations of the War Department relative to advertising and job printing, January 1, 1874.

NOTE.—The term "advertising," as used in these Regulations, includes all publications in newspapers inserted for pay. The words "job printing" cover all kinds of printing except advertisements inserted in newspapers. All communications relative to advertising and printing will be directed to the chief clerk of the War Department.

ACT OF CONGRESS RELATIVE TO ADVERTISING.

Section 2 of the act of Congress approved July 15, 1870, (16 Stat., 308,) is as follows:

"And be it further enacted, That no advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill, for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of the written authority aforesaid."

ADVERTISING.

1. Whenever any officer of the War Department or any Bureau thereof, or of the Army, or any board of officers, or court-martial, shall deem it necessary or advisable to advertise in any newspaper, or newspapers, (the design being that the advertising shall be paid for by the Government,) he or they will cause two copies of the proposed advertisement to be made and forwarded directly, through the head of his or their Bureau, to the chief clerk of the War Department, for the action of the Secretary of War, with a letter requesting authority to publish the same, and stating in what paper or papers among those on the official list of the Department the advertisement should, in his or their judgment, be inserted, and for what length of time.

If the officer or officers consider that the interests of the Government require the publication of an advertisement in any locality where there is no official newspaper, or in any newspaper not on the official list, the application should set forth that fact.

2. The following form of application for authority to advertise will be observed :

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
OFFICE CHIEF QUARTERMASTER,
Chicago, Ill., July 21, 1870.

SIR: I inclose herewith two copies of an advertisement, bearing date July 31, 1870, inviting proposals for 13,400 bushels of corn, &c., and respectfully request authority to publish the same for six consecutive insertions in the following-named official newspapers: Chicago Journal, Chicago Post, Omaha Republican, Sioux City Journal, and St. Louis Democrat.

Very respectfully, your obedient servant,

D. H. RUCKER,

A. Q. M. General, U. S. A., Chief Quartermaster.

To the CHIEF CLERK,
War Department.

Heads of Bureaus are directed to transmit these applications to the chief clerk of the War Department on the day they are received.

3. Officers, in advertising sales of property, or for proposals for contracts, or for proposals for supplies, will allow *at least thirty days* to intervene between the date of the *first publication* of the advertisement and the *date designated in such advertisement* for the sale to take place, or for the opening of bids.

As a general rule authority will be given for six consecutive insertions in a daily newspaper, or four consecutive insertions in a weekly newspaper; but authority will not be given to publish the same advertisement in all the authorized newspapers of any locality, unless the interests of the Government seem to require it.

4. Officers of the Army are required to practice all possible economy in advertising consistent with the necessities of the service, and to avoid all verbiage in the descriptions of supplies and property in advertisements, and in the *headings and titles* attached thereto; and they are especially cautioned not to prepare their advertisements, or send copies of them to newspapers, arranged in such a manner as would lead to a violation of so much of paragraph 12 as relates to displayed or leaded advertisements.

At principal offices and depots, where advertisements in inviting proposals are frequently issued, it is not necessary to publish in detail each time the usual conditions imposed on bidders and contractors. A reference to former advertisements of same conditions, or a notice that they will be furnished on application, will be sufficient.

5. All bills for advertising must be submitted to the Secretary of War for approval prior to being paid. Publishers will first present their bills, with copies of their papers containing the advertisement, to the officer who issued the advertisement, who, after satisfying himself that it has been inserted for the time charged, will cause the same to be made out and certified upon the official forms furnished by the heads of Bureaus of the War Department, with the nature of the advertisement definitely described, and a copy, cut from the newspaper named in the bill, attached in convenient form for examination. *Copy of the letter from the War Department authorizing the advertising to be done must also be indorsed on the account.*

6. No voucher must contain the account of more than one newspaper nor of more than one advertisement.

7. The following is the official form for accounts for advertising:

THE UNITED STATES

To CHARLES E. WARBURTON, Dr.

The insertion of annexed advertisement of Col. C. L. Kilburn, A. C. G. S., U. S. A., in the "Evening Telegraph," published in Philadelphia, Pa., as follows:

Nature of advertisement.	Date of first insertion.	No. of squares or lines.	No. of insertions charged.	No. of insertions ordered.	Amount charged.		Amount allowed.	
					Dolla.	Cts.	Dolla.	Cts.
Proposals for fresh beef.....	1870. July 22	37	5	4	23	12		
Total.....					23	12		

I certify that the annexed advertisement was cut from the newspaper named in the above account, and that it was inserted in that newspaper for the period stated; and that the Revised Regulations of the War Department relative to advertising and job printing, dated January 1, 1874, have been complied with.

C. L. KILBURN,
Col. A. C. G. S., U. S. A.

8. Advertisements and job printing must not be submitted for audit in the same letter of transmittal.

9. Officers are prohibited from making any alterations in the number of squares or lines, the number of insertions, or the amount charged. They will state in the proper column the number of insertions ordered, and leave blank the column headed "Amount allowed." The accounts will then be forwarded by the certifying officer *directly* to the chief clerk of the War Department, for audit, with a letter of transmittal describing the inclosures, together with the original bills as rendered by the publishers, and a copy of the letter of authority indorsed on the lowest or third fold of each voucher.

10. Accounts may, in some cases, be presented to officers which they did not order published in the newspaper charging for the same, but which may have been ordered to be inserted therein by the Secretary of War; these, also, are to be submitted to the War Department for decision. They will be made out upon the official forms the same as other advertisements, and in like manner transmitted to the chief clerk of the War Department. The following form of certificate will be used in such cases:

"I certify that the annexed advertisement was cut from the newspaper named in the above account, and that it was inserted in that newspaper for the period stated."

11. In the event of the death, removal, or resignation of any officer, or of his being transferred to another station, the outstanding bills for advertisements of his office will be prepared, certified, and forwarded by his successor, who is authorized to vary the form to correspond with the facts. Officers changing stations will leave with their successors complete records relative to unsettled accounts for advertising and printing.

12. Publishers of official newspapers are notified that claims for advertisements copied from other papers, without authority from the Secretary of War, will not be paid; nor will any allowance be made for displayed advertisements, nor for leading. Advertisements must be set up close. Publishers will greatly facilitate the adjustment of their accounts by forwarding to the chief clerk of the War Department the advertising rates of their respective papers, showing whether the charge is made by the "line" or by the "square," and if by the square, the number of lines counted as such; also, the rate per line or square for the first and subsequent insertions. And when the charges are varied in consideration of the large amount of space occupied by the advertisement, or the long period of publication, the publisher should furnish a plain schedule of prices, showing the charges from one square inserted one time up to thirty times, to any number of squares which may be contained in the column inserted one time up to thirty times. Whenever any change is made in the advertising rates of a paper, notice of the change should be immediately sent to the chief clerk of the War Department.

13. The Heads of the several Bureaus of the War Department will furnish to all officers charged with the publication of advertisements, complete lists of newspapers designated by the Secretary of War, together with the regulations and orders of the War Department upon the subject, and all necessary blanks for compliance with these regulations.

14. Officers are informed that the publication of military orders and circulars in newspapers is unauthorized. Paragraph 1134 of the Army Regulations does not authorize the insertion of military orders in newspapers.

JOB PRINTING.

15. Bills for job printing procured by officers of the Army must also be submitted to the War Department, prior to payment, in the same manner as accounts for newspaper advertising.

16. Officers are informed that, as a general rule, all regular blanks, books, and printed forms are executed at the Government Printing Office, at Washington, and it is their duty to obtain them by requisitions upon the Adjutant-General or the heads of their respective corps; and bills for this class of job printing executed elsewhere will not be paid, except in cases of orders printed under the provisions of paragraph 1134, Army Regulations, or printing done by the written permission of the Secretary of War.

17. Where printing has been done under the exceptions noted in the preceding paragraph, the bills must first be presented to the officers ordering the work, who will cause them to be made out and certified upon the official forms in use for general vouchers. A copy of the authority under which the printing was executed and a sam-

ple of the printing must accompany each bill. The number of copies must also be stated. When the charge is for book or pamphlet printing, containing more than four pages of matter, the amount of matter, (number of thousand "ems," number of "tokens" of press-work, and the rate per thousand "ems" and per "token," must be stated. Vouchers must show the place where, and date when, the work was executed, and the printing be so described as to class, amount, and rates, that the computations can be readily reviewed according to the customary methods in use among book and job printers. Where the paper is furnished by the printer, the fact must be stated in the voucher, and the number of quires or reams used, and the price charged per quire or ream. Unless so stated, it will be presumed that the paper was furnished by the Government, and the bills audited accordingly.

18. Orders authorizing advertising or printing to be done will not be construed as authorizing payment of the bills until audited and approved according to these regulations.

Official:

WM. W. BELKNAP,
Secretary of War.

H T. CROSBY,
Chief Clerk.

LIST OF NEWSPAPERS AUTHORIZED TO PUBLISH ADVERTISEMENTS OF THE WAR DEPARTMENT AND ITS BUREAUS. CORRECTED TO DATE, FEBRUARY 20, 1874.

No newspaper will be used for advertising unless first designated for that purpose by the Secretary of War.

WAR DEPARTMENT,
Washington, August 1, 1870.

List of newspapers authorized by the Secretary of War to publish advertisements for the War Department and its bureaus:

CALIFORNIA.

Abend Post, San Francisco; Evening Bulletin, San Francisco; Alta California, San Francisco; Chronicle, San Francisco; Republican, San Francisco; Los Angeles Star, Los Angeles; Bulletin, San Diego; Evening Express, Los Angeles; Union, San Diego; Chronicle, Vallejo; Appeal, Marysville; Independent, Stockton; Mercury, San José; Daily News, Oakland; West Coast Signal, Eureka; Benicia Tribune, Benicia; Record, Sacramento; Transcript, Oakland; Inyo Independent, Independence; Spirit of the Times, San Francisco.

CONNECTICUT.

Palladium, New Haven; Evening Post, Hartford; Courant, (daily and weekly) Hartford; Morning Journal and Courier, New Haven; Norwich Morning Bulletin, Norwich; New London Star, New London; Soldiers' Record and Grand Army Gazette, Hartford.

DELAWARE.

Wilmington Commercial, Wilmington; Delaware Republican, Wilmington.

ILLINOIS.

Chicago Tribune, Chicago; Chicago Journal, Chicago; Illinois Staats Zeitung, Chicago; Evening Post, Chicago; State Journal, Springfield; Quincy Whig, Quincy; Rock Island Union, Rock Island; Prairie Farmer, Chicago; The Advance, Chicago; Evening Mail, Chicago; Inter-Ocean, Chicago.

INDIANA.

State Journal, Indianapolis; Madison Courier, Madison; Volksfreund, Fort Wayne.

IOWA.

Burlington Hawkeye, Burlington; Sioux City Journal, Sioux City; Dubuque Times, Dubuque; Council Bluffs Nonpareil, Council Bluffs; Davenport Gazette, Davenport; Gate City, Keokuk; Der Demokrat, Davenport; Ottumwa Weekly Courier, Ottumwa; Daily Times, Sioux City; Journal, Mt. Pleasant; Herald, Oskaloosa; Fairfield Ledger, Fairfield.

KANSAS.

Champion and Press, Atchison; Leavenworth Times, Leavenworth; Junction City Union, Junction City; Republican Journal, Lawrence; Southern Kansas Advance, Cheyote; Commonwealth, Topeka; Evening Call, Leavenworth; Freie Presse, Leavenworth; Sentinel, Mound City; Reporter, Ellsworth; Commercial, Leavenworth; Kansas Farmer, Leavenworth.

KENTUCKY.

Volkeblatt, Louisville; Daily Commercial, Louisville.

MAINE.

Portland Press, Portland; Bangor Whig and Courier, Bangor; Jeffersonian, Bangor; Kennebec Journal, Augusta; Eastport Sentinel, Eastport; Lewiston Journal, Lewiston; Farmington Chronicle, Farmington; Bath Times, Bath.

MARYLAND.

Baltimore American, Baltimore; Baltimore Wecker, Baltimore.

MASSACHUSETTS.

Boston Journal, Boston; Boston Advertiser, Boston; Boston Traveller, Boston; Boston Transcript, Boston; Mercury, New Bedford; Springfield Republican, Springfield; Evening Standard, New Bedford; Salem Gazette, Salem; Worcester Spy, Worcester; Boston Daily Times, Boston; Boston Daily News, Boston; Boston Daily Globe, Boston.

MICHIGAN.

Advertiser and Tribune, Detroit; Detroit Post, Detroit.

MINNESOTA.

Saint Paul Press, Saint Paul; Minnesota Staats Zeitung, Saint Paul; Saint Paul Dispatch, Saint Paul; Saint Cloud Journal, Saint Cloud; Lake City Leader, Lake City; Du Luth Minnesotian, Du Luth.

MISSOURI.

Westlich Post, Saint Louis; Journal of Commerce, Kansas City; Kansas City Post, Kansas City; Saint Joseph Herald, Saint Joseph; Saint Louis Daily Courier, Saint Louis; Saint Louis Democrat, Saint Louis; Missouri State Atlas, Saint Louis; Missouri Staats Zeitung, Saint Louis; Saint Louis Daily Globe, Saint Louis; Saint Louis Daily Journal, Saint Louis; Sedalia Times, Sedalia.

NEBRASKA.

Nebraska Press, Nebraska City; Nebraska Advertiser, Brownville; Nebraska Herald, Plattsmouth; Nemaha Journal, Falls City; Fremont Tribune, Fremont; Covington News, Covington; Staats Zeitung, Nebraska City; Tribune and Republican, Omaha; Agriculturist and Farmer, Omaha; Dakota City Mail, Dakota City.

NEVADA.

Territorial Enterprise, Virginia City.

NEW HAMPSHIRE.

Mirror and American, Manchester; Monitor, Concord; Portsmouth Chronicle, Portsmouth.

NEW JERSEY.

New Jersey Freie Zeitung, Newark; Newark Advertiser, Newark; State Gazette, Trenton; Jersey City Evening Journal, Jersey City; Jersey City Daily Times, Jersey City; Sussex Register, Newton; Daily Journal, Elizabeth; New Jersey Courier, Tom's River.

NEW YORK.

Evening Post, New York City; New York Tribune, New York City; New York Times, New York City; New Yorker Demokrat, New York City; New York Abend Zeitung, New York City; Le Messager Franco Americain, New York City; Scientific American, New York City; New York Commercial Advertiser, New York City; United States Army and Navy Journal, New York City; Irish Republic, New York City; New York Sun, New York City; Evening Commonwealth, New York City; Evening Mail, New York City; National Quarterly Review, New York City; Union, Brooklyn; Morning Herald, Utica; Troy Times, Troy; Rochester Democrat, Rochester; Rochester Evening Express, Rochester; Elmira Advertiser, Elmira; Telegraph, Buffalo; Buffalo Express, Buffalo; Commercial Advertiser, Buffalo; Rochester Observer, Rochester; Journal, Dunkirk; New York Reformer, Watertown; Ogdensburgh Journal, Ogdensburgh; Syracuse Journal, Syracuse; Auburn Advertiser, Auburn; Auburn News, Auburn; Plattsburgh Sentinel, Plattsburgh; Albany Journal, Albany; Hudson Republican, Hudson; Poughkeepsie Eagle, Poughkeepsie; Jewish Times, New York City; Herald, New York City; Independent, New York City; Weekly Republican, New York City; Weekly Christian Union, New York City; Weekly Railroad Gazette, New York City; Sunday Standard, New York City; Daily Oestliche Post, New York City; Daily Skandinarsk Post, New York City; Oswego Daily Times, Oswego.

OHIO.

Ohio State Journal, Columbus; Cincinnati Gazette, Cincinnati; Cincinnati Volksblatt, Cincinnati; Cincinnati Times and Chronicle, Cincinnati; Cleveland Herald, Cleveland; Cleveland Leader, Cleveland; Steubenville Herald, Steubenville; Zanesville Courier, Zanesville; Commercial Register, Sandusky; Dayton Journal, Dayton; Marietta Register, Marietta; Cincinnati Commercial, Cincinnati; Cincinnati Courier, Cincinnati.

OREGON.

Oregonian, Portland; Oregon State Journal, Eugene City; Oregon Sentinel, Jacksonville; Bulletin, Portland; Statesman, Salem.

PENNSYLVANIA.

Press, Philadelphia; Inquirer, Philadelphia; North American, Philadelphia; City Item, (Fitzgerald's), Philadelphia; Evening Telegraph, Philadelphia; Evening Bulletin, Philadelphia; Freie Presse, Philadelphia; Public Ledger, Philadelphia; Pittsburgh Dispatch, Pittsburgh; Pittsburgh Commercial, Pittsburgh; Freiheits Freund, Pittsburgh; Pittsburgh Gazette, Pittsburgh; Franklin Repository, Chambersburgh; Harrisburgh Telegraph, Harrisburgh; True Democrat, York; Carlisle Herald, Carlisle; Oil City Times, Oil City; Republikaner, Reading; Sunday Republic, Philadelphia; The Day, Philadelphia; Evening Star, Philadelphia; Daily Democrat, Philadelphia; Daily Dispatch, Erie.

RHODE ISLAND.

Newport News, Newport; Providence Journal, Providence; Providence Press, Providence.

TENNESSEE.

Knoxville Chronicle, Knoxville; Republican, Huntingdon; Chattanooga Herald, Chattanooga; Bulletin, Nashville; Commercial Republican, Cleveland; Chattanooga Commercial, Chattanooga.

VERMONT.

Montpelier Journal, Montpelier; Rutland Herald, Rutland; Saint Albans Messenger, Saint Albans; Burlington Free Press and Times, Burlington.

WEST VIRGINIA.

Wheeling Intelligencer, Wheeling; West Virginian Journal, Charleston.

WISCONSIN.

State Journal, Madison; Milwaukee Sentinel, Milwaukee; Gazette, Green Bay; Republican, La Crosse.

TERRITORIES.

ARIZONA.

Arizona Citizen, Tucson ; Arizona Miner, Prescott.

COLORADO.

Rocky Mountain News, Denver ; Colorado Tribune, Denver ; Colorado Chieftain, Pueblo.

DAKOTA.

Union and Dakotian, Yankton ; Dakota Republican, Vermillion ; Yankton Press, Yankton ; Sioux Falls Pantagraph, Sioux Falls.

IDAHO.

Owyhee Avalanche and Tidal Wave, Silver City.

MONTANA.

Helena Herald, Helena ; New North West, Deer Lodge.

NEW MEXICO.

New Mexican, Santa Fé ; Weekly Post, Santa Fé ; Cimarron News, Cimarron ; Republican Review, Albuquerque.

UTAH.

Reporter, Corinne ; Utah Mining Journal, Salt Lake City.

WASHINGTON.

Pacific Tribune, Olympia ; Vancouver Register, Vancouver.

WYOMING.

Cheyenne Leader, Cheyenne ; Wyoming Tribune, Cheyenne ; Laramie Daily Sentinel, Laramie.

List of newspapers selected for the public advertising in pursuance of section ten of an act approved March 2, 1867, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes ;" and section two of an act approved July 20, 1868, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1869."

DISTRICT OF COLUMBIA.

Morning Chronicle, Washington ; Evening Star, Washington ; National Republican, Washington.

List of newspapers selected by the Clerk of the House of Representatives under section seven of an act approved March 2, 1867, entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1868, and for other purposes."

ALABAMA.

Advocate, Huntsville ; National Republican, Selma.

ARKANSAS.

Republican, Pine Bluff; New Era, Fort Smith.

FLORIDA.

Florida Union, Jacksonville; Tallahassee Sentinel, Tallahassee.

GEORGIA.

New Era, Atlanta; Weekly Sun, Bainbridge.

LOUISIANA.

New Orleans Republican, New Orleans; Grand Era, Baton Rouge; Intelligencer, Monroe.

MISSISSIPPI.

Vicksburgh Times and Republican, Vicksburgh; Prairie News, Okolona.

NORTH CAROLINA.

Asheville Pioneer, Asheville; The Era, Raleigh.

SOUTH CAROLINA.

Union, Columbia; New Era, Spartanburgh.

TEXAS.

Express, San Antonio; Union, Houston.

VIRGINIA.

State Journal, Richmond; Valley Virginian, Staunton.

LETTER OF QUARTERMASTER-GENERAL RELATIVE TO THE NUMBER OF
EMPLOYEES IN THE CEMETERIAL BRANCH OF HIS OFFICE.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., ———, 1874.

SIR: In reply to your communication of the 17th instant, I have the honor to submit the following report of the number of persons employed by this office, in connection with cemeterial operations, with designation of their duties and rates of pay:

Walter Wollcott, clerk, \$1,800 per annum; employed at Fort Union, N. Mex., January 5, 1871; engaged in the settlement of the disbursing accounts of the officer in charge of cemeterial branch, and in connection with correspondence and general business of that branch.

J. J. Washburn, clerk, \$1,800 per annum; employed in Quartermaster-General's Office September 16, 1866; chief clerk of the cemeterial branch from September 3, 1873; charged with the care and preparation of the permanent records; supervising the preparation of lists for headstones; property accounts of the officer in charge of national cemeteries; contracts for headstones and other cemeterial work, and current business.

Oliver Cox,* clerk, \$1,200 per annum; employed September 23, 1873; preparation of lists for headstones and correction and revision of Rolls of Honor.

Charles W. Sackville,* clerk, \$1,500 per annum; employed November 29, 1873; preparation of lists for headstones.

J. C. Devautien,* clerk, \$780 per annum; employed January 18, 1873, as laborer, and from September 13, 1873, as clerk; preparation of lists for headstones, records, and copying.

O. M. Rosser, clerk, \$1,500 per annum; employed December 1, 1873; current records.

G. D. Chenoweth,* civil engineer, (station Washington, D. C.,) employed May 7, 1873; \$5 per day, and \$1.50 per day additional when absent from station on duty; transportation furnished by Government; engaged in inspecting work at national cemeteries and furnishing data for the preparation of the lists of graves to be supplied with headstones.

C. M. Clarke,* civil engineer, (station Raleigh, N. C.,) employed May 7, 1873; same rates of pay as last-named and engaged upon similar duties.

S. M. Robbins,* civil engineer, (station Nashville, Tenn.,) employed May 7, 1873; same rates of pay as first-named engineer, and like duties.

A. O. Eckelson,* civil engineer, (station Washington, D. C.,) employed November 17, 1873; same rates of pay as first-named engineer; engaged at national cemeteries in the Southwest preparing lists of graves to be supplied with headstones.

William Sanderson, laborer, employed September 13, 1873; duties of janitor and messenger for cemeterial branch.

Leon Dessey, draughtsman, employed January 25, 1873; engaged in preparing plots of national cemeteries; \$5 per day.

A. Pohlers, draughtsman, employed December 2, 1873; \$5 per day; same duties as last-named.

These employes do not belong to the regular organizations of the clerical force of the War Department, and, therefore, are not classified.

Heretofore, and prior to December 1, 1873, the clerks and laborer have been paid from the appropriation for incidental expenses, but they, as also the engineers, are now paid from the appropriation for establishing and maintaining national cemeteries.

It is contemplated to pay hereafter the engineers and clerks (marked thus *) from the appropriation for furnishing and erecting headstones, as they are now, and will be in the future, almost exclusively employed in connection with the preparation of corrected lists for the contractors and in inspecting material furnished and work done under the terms of the headstone contracts.

Very respectfully, your obedient servant,

J. D. BINGHAM,

Acting Quartermaster-General, Bvt. Brig. Gen., U. S. A.

Hon. JOHN COBURN,

Chairman of Committee on Military Affairs,

House of Representatives.

LETTER OF QUARTERMASTER-GENERAL AS TO REDUCTIONS OF EXPENSES

WAR DEPARTMENT.

QUARTERMASTER-GENERAL'S OFFICE,

Washington, D. C., ———, 1874.

SIR: I have the honor to submit the following replies to the questions propounded by you on the 6th instant, viz:

Question. What items of expenditure set out in your estimates will be affected by a reduction or increase of the number of the Army?

Answer. The items of expenditure for regular supplies, incidental

expenses, barracks and quarters, transportation of the Army, and clothing and equipage.

Question. Please state in what this consists, and to what extent, showing upon a basis of a reduction of the Army to two-thirds of its present number, provided the entire reduction is made in infantry regiments.

Answer. The item for regular supplies would be reduced. \$340,000 00
 Incidental expenses 152,000 00
 Transportation of the Army..... 600,000 00
 Barracks and quarters..... 300,000 00
 Clothing and equipage..... 638,500 00

2,030,500 00

The expenditures under the heads of incidental expenses, transportation, barracks and quarters, depend in a great measure upon circumstances, and cannot, therefore, be predicted with accuracy. Certain items of expenditure under each head are, however, known, and the above reductions, especially under the head of incidental expenses, have been based on these. The actual reduction may be greater. The reduction under the head of clothing and equipage is mainly in clothing; we have enough of most articles of equipage to last several years.

The above answer is based on the assumption that the reduction will be in enlisted men alone.

Question. Please state the difference in cost, so far as the Quartermaster's Department is concerned, between an infantry and cavalry soldier.

Answer. As nearly as can be computed the difference in cost is, per annum, \$223.40.

Question. Please state whether there is any difference between reducing the number of organizations and the number of men, in expense; if so, in what it consists and what it is.

Answer. If the reduction is in infantry organizations instead of enlisted men of infantry, there will be an additional reduction in expenditures as follows, viz:

Regular supplies..... \$160,000 00
 Incidental expenses..... 16,000 00
 Army transportation..... 85,000 00
 Barracks and quarters..... 100,000 00

Total additional reduction..... 361,000 00

There would also be a saving in equipage, but it would be of articles now in store, and would effect no saving in money, to any great amount, for some years to come.

Very respectfully, your obedient servant,

J. D. BINGHAM,

Acting Quartermaster-General, Brevet Brigadier-General, U. S. A.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

(Through the Hon. Secretary of War.)

STATEMENT OF GENERAL BINGHAM AS TO QUARTERMASTER'S DEPARTMENT, SHOWING ITS PRESENT AND PAST RELATIVE STRENGTH WITH THAT OF THE ARMY.

Memorandum in reference to the Quartermaster's Department.

In 1860 the Quartermaster's Department was composed of the following officers: 1 brigadier-general, 2 colonels, 2 lieutenant-colonels, 4 majors, 28 captains, 7 military store-keepers—44 in all.

The authorized strength of the Army in 1860 was 12,931, officers and enlisted men. The appropriations for the Quartermaster's Department for that year amounted to \$5,607,309.20.

By the act of July 28, 1866, the Quartermaster's Department was fixed for a peace establishment as follows: 1 brigadier-general, 6 colonels, 10 lieutenant-colonels, 12 majors, 30 captains, 16 military store-keepers—75 in all.

Promotion in the Department was stopped by section 6 of the act of March 3, 1869, and the number of officers now is as follows: 1 brigadier-general, 5 colonels, 9 lieutenant-colonels, 14 majors, 30 captains, 9 military store-keepers—68 in all.

The authorized strength of the Army now is 32,554 officers and enlisted men.

The appropriations for the Quartermaster's Department amount to \$15,248,508.81 for this fiscal year.

It thus appears that the strength of the Army is now more than two and one-half times greater than in 1860; that the appropriations for the Quartermaster's Department are nearly three times greater; while the Quartermaster's Department is only a little more than 50 per cent. in excess of its strength in 1860.

By the act of July 15, 1870, (chapter 294,) the incompetent and inefficient officers of the line of the Army were mustered out of the service, and promotion was restored. No such process of weeding out was applied to the Quartermaster's Department, and there now remain in it a number of officers who are not competent to perform the duties of their grade. Their work necessarily falls on others.

The number of officers in the Department is much less than would be employed by a private corporation in managing business of equal magnitude, covering the same extent of territory, and is believed to be not greater than the necessities of the service require; yet the efficiency of the Department would be increased if authority of law be given for the retirement or withdrawal from active service of those who are incapable of performing their duties and by restoring promotion to the Department.

J. D. BINGHAM,

Quartermaster U. S. A.

WASHINGTON, D. C., February 11, 1874.

STATEMENT OF QUARTERMASTER-GENERAL AS TO AMOUNT OF PAY FOR FUEL, FORAGE, AND QUARTERS.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 16, 1874.

SIR: In reply to your letter of inquiry of the 14th instant, I have the honor to inform you that it would be impossible to ascertain exactly

the cost of the several items included in your questions, without going into all the voluminous reports, returns, and vouchers of the officers in charge of property at the various military stations, and also all those of the officers who purchase and ship supplies. I therefore furnish an estimate made up from the original notes for estimates of the Quartermaster's Department for the year 1873-'74—the present fiscal year—which will be found to be approximately correct, and sufficient, without doubt, for the purpose of the inquiry.

1. Forage: Total quantity for officers' horses is estimated as equivalent to—

7,655 tons of hay at \$20	\$153,100 00
408,937 bushels of oats, at 70 cents	286,255 90

Total forage	439,355 90
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II. Fuel: The total quantity of fuel estimated for issue to officers is equivalent to 58,021 cords of wood; average cost, \$7 per cord; total, \$406,147.

III. The rent of quarters for officers not living in barracks belonging to the United States, is estimated at \$307,000.

IV. The total cost to the Quartermaster's Department of advertising contracts and sales is estimated at an amount not to exceed \$60,000. An accurate statement as to the cost of advertising can probably be obtained from the War Department, (Bureau of Advertising and Printing Accounts.)

I am, very respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster-General, Breuet Major-General, U. S. A.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

STATEMENT OF THE QUARTERMASTER-GENERAL, SHOWING THE SUMS PAID FOR QUARTERS OF OFFICERS IN WASHINGTON, &c.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 20, 1874.

SIR: In compliance with your request of the 17th instant, I have the honor to submit herewith a statement of the amount (\$122,412.20) paid by the Quartermaster's Department for rent of quarters for officers of the Army, in this city, during the past two years, 1872 and 1873; showing the amount paid for quarters for each officer separately, and the monthly rate.

Very respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster-General, Breuet Major General, U. S. A.

Hon. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

REDUCTION OF THE MILITARY ESTABLISHMENT.

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A statement of the amount paid by the Quartermaster's Department for rent of quarters for officers of the Army in Washington, District of Columbia, during the years 1872 and 1873.

Name of officer to whom quarters were furnished.	Received per month.	Total.
General W. T. Sherman.....	\$250 00	\$6,000 00
Brigadier-General M. C. Meigs.....	90 00	2,160 00
Brigadier-General Joseph Holt.....	90 00	2,160 00
Brigadier-General A. A. Humphreys.....	90 00	2,160 00
Brigadier-General G. K. Paul.....	90 00	2,160 00
Brigadier-General A. B. Eaton.....	90 00	2,160 00
Brigadier-General O. O. Howard.....	90 00	2,160 00
Brigadier-General E. D. Townsend.....	90 00	2,160 00
Brigadier-General J. K. Barnes.....	90 00	1,395 00
Colonel J. C. Audenreid, (September, 1872, to December, 1873).....	90 00	1,311 00
Colonel J. A. Hardie, (October 14, 1872, to December, 1873).....	90 00	2,160 00
Colonel Benjamin Alvord.....	90 00	2,160 00
Colonel A. E. Shiras.....	90 00	2,160 00
Colonel A. J. Myer.....	90 00	1,170 00
Colonel F. T. Dent, (January, 1872, to January, 1873).....	72 00	252 00
Major F. T. Dent, (February to May 15, 1873).....		
Colonel W. McK. Dunn, (January to June, 1872; November 7, 1872, to December 7, 1873).....	90 00	1,692 00
Colonel J. C. McCoy.....	90 00	2,160 00
Colonel E. Schriver.....	90 00	2,160 00
Colonel C. H. Crane.....	90 00	2,160 00
Colonel Horace Porter, (January to December, 1872).....	90 00	1,080 00
Colonel Robert Allen, (January, 1872, to March, 1873).....	90 00	1,350 00
Colonel — Hunt, (January to May, 1873).....	90 00	360 00
Colonel R. B. Marcy, (January to April, 1872; June, 1872, to December, 1873).....	90 00	2,070 00
Colonel J. E. Tourtellotte.....	90 00	2,160 00
Colonel — Bacon, (May, 1872, to December, 1873).....	90 00	1,800 00
Colonel H. B. Clitz, (April 13 to April 30, 1872).....	90 00	54 00
Lieutenant-Colonel J. G. Foster, (May 14, 1872, to December, 1873).....	72 00	1,408 80
Lieutenant-Colonel — Wood, (January 4 to April, 1872).....	72 00	288 00
Lieutenant-Colonel A. Montgomery, (November to December, 1873).....	72 00	144 00
Lieutenant-Colonel J. H. Baxter.....	72 00	1,728 00
Major S. V. Benét.....	72 00	1,728 00
Major George Bell.....	72 00	1,728 00
Major W. B. Rochester, (January to August, 1872).....	72 00	576 00
Major B. DuBarry, (January, 1872, to October, 1873).....	72 00	1,584 00
Major O. E. Babcock, (January, 1872, to February, 1873).....	72 00	1,008 00
Colonel O. E. Babcock, (March to December, 1873).....	90 00	900 00
Major Henry Goodfellow.....	72 00	1,728 00
Major J. D. Bingham.....	72 00	1,728 00
Major Basil Norris.....	72 00	1,728 00
Major J. A. Winthrop, (January to August, 1872; November, 1872, to December, 1873).....	72 00	1,584 00
Major T. M. Vincent.....	72 00	1,728 00
Major T. L. Casey.....	72 00	1,728 00
Major O. A. Mack.....	72 00	1,728 00
Major E. G. Beckwith.....	72 00	1,728 00
Major J. P. Martin.....	72 00	1,728 00
Major J. H. Eaton.....	60 00	1,440 00
Major W. D. Whipple, (January, 1872, to February, 1873).....	72 00	1,008 00
Colonel W. D. Whipple, (March to December, 1873).....	90 00	900 00
Major R. Saxton, January 1 to May 15, 1872).....	72 00	324 00
Major M. I. Ludington.....	72 00	1,728 00
Major J. G. Parke.....	72 00	1,728 00
Major F. H. Larned.....	72 00	1,728 00
Major Alexander, (January to April, 1872).....	72 00	288 00
Major F. J. Dodge, (January to April, 1872).....	72 00	288 00
Major J. Taylor, (March to July, 1872).....	72 00	360 00
Major A. J. Dallas, (August 8 to 28, 1872).....	72 00	50 40
Major F. U. Farquhar, (June 21 to July 31, 1872).....	72 00	96 00
Colonel O. M. Poe, (May, 1872, to December, 1873).....	90 00	720 00
Major T. F. Barr, (August to October, 1872).....	72 00	216 00
Major T. H. Stanton, (August to November, 1872).....	72 00	288 00
Major L. H. Pelouse, (December 2 to 31, 1873).....	72 00	69 60
Major Clark, (September 11, 1872, to December, 1873).....	72 00	1,128 00
Major William Myers, (June, 1872, to December, 1873).....	72 00	1,368 00
Captain William Myers, (January to May, 1872).....	54 00	270 00
Captain S. C. Lyford, (July, 1872, to December, 1873).....	72 00	1,296 00
Captain Mallery, (January, 1872, to December, 1873).....	54 00	1,296 00
Captain G. A. Otis.....	54 00	1,296 00
Captain J. J. Woodward.....	54 00	1,296 00
Captain J. S. Billings.....	54 00	1,296 00
Captain C. McClure, (January, 1872, to November, 1873).....	54 00	1,188 00
Captain T. McMillin.....	54 00	1,296 00
Captain Thomas, (January to May, 1872).....	54 00	270 00
Captain J. G. C. Lee, (November 15, 1872, to April 5, 1873).....	54 00	252 80
Captain W. J. Twining, (June 19 to July 31, 1872).....	54 00	75 60
Captain Wilson, (October 22 to November 30, 1872).....	54 00	70 20
Captain A. J. McGonigle, (July to December, 1873).....	54 00	324 00

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 12, 1874.

SIR: In compliance with your request, I have the honor to submit the following statement of the annual expenditures of the Quartermaster's Department, for rent of buildings occupied as quarters by officers of the Army, and rent of buildings hired for purposes of storage, offices, stabling, &c., at the headquarters of the several military divisions and departments of the Army. Also, a similar statement of the rents paid in this city:

Location of headquarters.	Divisions.	Departments.	Officers' quarters.	Offices, &c.	Total.
New York City	Atlantic ..	1st district	\$32,948 00	\$35,700 00	\$68,648 00
Boston, Mass	do	2d district	7,128 00	1,200 00	8,328 00
Philadelphia, Pa.	do	3d district	14,256 00	4,999 92	19,255 92
Detroit, Mich	do	4th district	8,424 00	1,769 88	10,193 88
Buffalo, N. Y	do	5th district	3,888 00	648 00	4,536 00
Total Division of the Atlantic			66,644 00	44,317 80	110,961 80
San Francisco, Cal.	Pacific	California	39,280 00	39,876 00	69,156 00
Portland, Oreg.	do	Columbia	10,800 00	10,176 00	20,976 00
Prescott, Ariz	do	Arizona*			
Total Division of the Pacific			40,080 00	50,052 00	90,132 00
Chicago, Ill	Missouri ..		14,040 00	13,800 00	27,840 00
Saint Louis, Mo	do		4,104 00	10,800 00	14,904 00
Leavenworth, Kans	do	Missouri	3,456 00	1,680 00	5,136 00
Omaha, Neb	do	Platte	11,232 00	4,455 96	15,687 96
Saint Paul, Minn	do	Dakota	14,256 00	5,947 92	20,203 92
San Antonio, Tex	do	Texas	10,584 00	14,070 00	24,654 00
Santa Fé, N. Mex	do	Dist. New Mexico*			
Total Division of the Missouri			57,672 00	50,753 88	108,425 88
Louisville, Ky	South	South	12,744 00	8,079 96	20,823 96
New Orleans, La	do	Gulf	13,176 00	9,720 00	22,896 00
Total Division of the South			25,920 00	17,799 96	43,719 96

* Public buildings occupied; nothing paid for rents.

The annual amount paid for rents at Washington for officers' quarters is \$62,616 and for other buildings \$48,160.08, making a total of \$110,776.08.

RECAPITULATION.

Total amount Division of the Atlantic	\$110,961 80
Total amount Division of the Pacific	90,132 00
Total amount Division of the Missouri	108,425 88
Total amount Division of the South	43,719 96
Total amount depot at Washington	110,776 08
Grand total	464,015 72

In reference to the expenditure by the Quartermaster's Department on account of the Signal Corps of the Army, it is estimated at \$123,325 per annum.

Very respectfully, your obedient servant,

J. D. BINGHAM,

Acting Quartermaster-General, Brevet Brigadier-General, U. S. A.

HON. JOHN COBURN,

Chairman Committee on Military Affairs, House of Representatives.

Statement of Chief of Engineers as to the number of civil employés and number of officers in his Department, their stations, &c.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., February 23, 1874.

SIR: In reply to your communication of this date asking a list of the *civil employés* of the Engineer Department, here and elsewhere, giving their posts or stations and duties, also their monthly or annual compensation, I have the honor to state that from an enumeration made of the civil employés for the month of November, 1873, which gives a fair average for the other portions of the year, the civil force employed placed under general heads of occupation was as follows:

	No.	Rates of pay per month.
Civil engineers and assistants	254	From \$400 to \$150.
Draughtsmen and clerks.....	158	From \$200 to \$100.
Mechanics, laborers, &c.....	5,786	From \$5 a day to \$15 per month.

Total force 6,198 employés, at a monthly compensation of \$261,154.87.

In the above force are not included the workmen employed by contractors on works built under the direction of officers of engineers by contract, which works are quite numerous, but only those persons employed and paid by the United States; and these numbers vary with the periods for active operations and the number of works and surveys authorized by Congress.

The posts and stations of these employés are scattered over the whole country, namely, at the several permanent fortifications, for the continuation or construction of which funds have been appropriated in the fortification acts; upon the works of construction and survey for improvements of rivers and harbors, as contained in the appropriation acts for that purpose; upon the survey of the northern and northwestern lakes; upon the surveys and explorations of the interior Territories; and at the headquarters of the western military departments and divisions.

A list showing the stations and duties of the several officers of the Corps of Engineers on the 1st January, 1874, is respectfully inclosed.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brig. Gen. and Chief of Engineers.

HON. JOHN COBURN,
Chairman Military Committee, House of Representatives.

Additional statement by the Chief of Engineers as to civil employés and officers.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., March 9, 1874.

SIR: Referring to my letter of February 28th ultimo, in answer to yours of the same date, with reference to the employés of the Engineer Department, I desire to add at this time some remarks which, from the press of time, were then omitted.

The Corps of Engineers, as now constituted by law, consists of 109 officers, of which there are upon the rolls but 104, with one sick, leaving an effective force of 103 officers.

Now there is intrusted to this corps by law and regulations—

The constructions and surveys for fortifications.

The constructions and surveys for improvement of harbors and rivers.

The constructions and surveys for light-houses.

The constructions and surveys of public buildings and grounds.

The survey of the lakes.

Military and geological surveys and explorations in the Western Territories.

And of the 103 officers above enumerated there are "in charge" of these surveys and constructions 37 officers, mostly field officers of the corps. Of the remaining 66 officers, 29, mainly captains and subalterns, are employed as assistants to the officers "in charge" of works. This leaves 37 officers who are employed at the Military Academy as teachers; as the officers of the battalion of engineer soldiers; on duty surveying the northwestern boundary under the State Department; on boards of engineers for fortifications; at the headquarters of the corps; and on the staffs of generals commanding departments and divisions.

It will be seen, then, that there is a very small force of commissioned officers for the extensive works upon which they are engaged, and the two hundred and fifty-four individuals reported as "civil engineers and assistants" cover all the additional and hired force that was necessary to aid the officers of engineers in the prosecution of the works, whether they held the diploma of civil engineers or were mustered on the rolls as surveyors, superintendents, or overseers. The actual number of "civil engineers" employed by the latest returns for January, 1874, were 153.

Now, what I wish to state particularly is, that the number of civilians that have to be employed depends entirely upon the number and extent of the works authorized by Congress. If this number was no more than could be actually superintended in person by engineer officers, there would be no civil engineers employed, but when the duties increase beyond the physical capacity of the officers to perform, then additional assistance must be called in, and the number of assistants that have been employed are no more than were necessary to enable the engineer officers to execute the works directed and authorized by Congress.

It is believed the increase of the duties intrusted to the Corps of Engineers during the past twenty years is not generally realized.

Twenty years ago, say in 1853, there were 93 officers of engineers on the rolls, and the amount of money appropriated by Congress for the four years from 1849 to 1853, to be disbursed by the Corps of Engineers on constructions and surveys, was \$7,500,000, covering about 250 different works.

To obtain the number of civil engineers employed in this period would require an examination of the rolls in the office of the Third Auditor and would consume so much time as to prevent my writing you for several days.

For the four years beginning 1867 and ending 1871, during which period the Corps of Engineers averaged only 109 officers, there was appropriated by Congress to be disbursed by this corps the sum of \$24,500,000, covering some 950 different works of construction, survey, or examination.

During the last Congress, the Forty-second, for the years 1871 and 1872, there was appropriated the sum of \$21,562,950, covering about 470 different works of construction, survey, &c.

Since 1853, when we had 93 officers, there has been added to the duties which the officers of the corps have to perform—

1. The engineer works of light-house construction.
2. The duties growing out of the enlarged extent of fortifications requiring modification.
3. The duties growing out of the increase of the engineer soldiers.
4. The duties growing out of the very great increase in the improvement of rivers and harbors.
5. The duties growing out of the commercial, navigation, transit, and industrial interests, giving rise to examinations connected with bridging of western rivers, canal communications, irrigation, &c.

Permit me, in this communication, to call your attention to House of Representatives report No. 74, Forty-second Congress, third session, pages 232 to 239, inclusive.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brig. Gen. and Chief of Engineers.

Hon. JOHN COBURN,
*Chairman Committee on Military Affairs,
House of Representatives.*

Statement showing rank, duties, and address of officers of the Corps of Engineers, and of United States civil engineers, January 1, 1874.

Rank.	Names.	Duties and address.
Brigadier-General.....	Andrew A. Humphreys	Commanding Corps of Engineers. Member of Light-House Board. Member of commission to examine into canal-routes across the isthmus connecting North and South America. Office of the Chief of Engineers, Washington, D. C.
Colonel.....	John G. Barnard	Member of board of engineers for fortifications. Member of Light House Board. President of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Army building, Houston and Greene streets, New York City.
Do.....	George W. Cullum.....	Member of board of engineers for fortifications. Army building, Houston and Greene streets, New York City.
Do.....	Henry W. Benham.....	In charge of construction of Forts Winthrop, Independence, and Warren, and work on Long Island Head. Boston, Mass.
Do.....	John N. Macomb.....	In charge of improvement of the Upper Mississippi and Illinois Rivers, and Des Moines and Rock Island Rapids of the Mississippi River. Rock Island, Ill.
Do.....	James H. Simpson.....	In charge of improvement of the Little Missouri, Current, and Osage Rivers, and Mississippi River between the mouths of the Illinois and Missouri Rivers, and between the mouths of the Missouri and Ohio Rivers. 1122 Pine street, Saint Louis, Mo.
Do.....	Israel C. Woodruff.....	On detached service. Engineer third light-house district. President of board of engineers to report upon improvement of harbor at Buffalo, N. Y. Post-office box 4032, New York City.
Lieutenant-Colonel.....	Zealous B. Tower.....	Member of board of engineers for fortifications. Member of board of engineer officers at New York City to examine candidates for promotion in the Corps of Engineers. Army building, Houston and Greene streets, New York City.
Do.....	Horatio G. Wright.....	Member of board of engineers for fortifications. Army Building, Houston and Greene streets, New York City.
Do.....	John Newton.....	In charge of construction of defenses of New York Harbor, (excepting Fort Schuyler, fort at Willet's Point, and works on Staten Island,) and of Fort Montgomery, N. Y.; manufacture and supply of mastic; improvement of the Hudson River and East Chester Creek, N. Y., Otter Creek, Vt., and Passaic River, N. J.; removal of obstructions in the East River, including Hell Gate; harbor improvements at Burlington and Swanton, Vt., Rondout, Port Chester, and Plattsburgh, N. Y.; examinations and surveys of Harlem River, near the East River, N. Y., and at Raritan River, N. J., below New Brunswick. Member of board of engineer officers at New York City to examine candidates for promotion in the Corps of Engineers. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Army Building, Houston and Greene streets, New York City.
Do.....	George Thon.....	In charge of works for improvement of rivers Saint Croix, Machias, Narraguagus, Sullivan, Union, Penobscot, Kennebec, Royals, Saco, Kennebunk, Me., Cocheco, N. H., and Merrimac, Mass., of harbors, of Camden, "Gut," opposite Bath, Portland, Richmond's Island, Wells, Me., Gloucester, Salem, Boston, Duxbury, Plymouth, Wellfleet, and Provincetown, Mass.; construction of sea-walls of Great Brewster, Deer, and Lovell's islands. Portland, Me.
Do.....	John D. Kurtz.....	In charge of construction of Forts Delaware, Del., and Mifflin, Pa., battery at Finn's Point, N. J., new work opposite Fort Delaware, piers at New-castle and Lewes, Del.; harbor improvements at Wilmington, Del., and on Delaware River and Bay; improvement of the South, Salem, and Shrewsbury Rivers and Cohansey Creek, N. J., Delaware and Broadkill Rivers, Del., and Schuylkill River, Pa.; examinations and surveys at Crow Shoals, Delaware Bay. 1328 Chestnut street, Philadelphia, Pa.

Statement showing rank, &c., of officers of the Corps of Engineers, &c.—Continued.

Rank.	Names.	Duties and address.
Lieutenant-Colonel . . .	Barton S. Alexander . . .	Senior engineer charged with general supervision and inspection of all matters under the command of the Chief of Engineers within the Pacific territory. Member of board of engineers for Pacific coast. Member of board of engineers on harbor at San Antonio Creek, Cal. President of commission appointed by the President to report upon a system of irrigation in the San Joaquin, Tulare, and Sacramento Valleys, Cal. San Francisco, Cal.
Do	William F. Reynolds . . .	On detached service. Engineer fourth light-house district. 332 Walnut street, Philadelphia, Pa.
Do	Charles S. Stewart . . .	In charge of construction of fortifications at Fort Point, Point San José, and Angel Island, San Francisco, and at San Diego, Cal. Member of board of engineers for Pacific Coast. Member of board of engineers on harbor at San Antonio Creek, Cal. San Francisco, Cal.
Do	Charles E. Blunt	In charge of construction of Forts Jefferson and Taylor, Fla. Engineer seventh light-house district. Key West, Fla.
Do	John G. Foster	On temporary duty in the office of the Chief of Engineers. In charge of the fourth and fifth divisions. Office of the Chief of Engineers, Washington, D. C.
Do	James C. Duane	In charge of construction of Forts Gorges, Preble, Scammel, Popham, Knox, and battery at Portland Head, Me., and Forts Constitution and McClary, and batteries on Jerry's Point and Gerrish's Island, Portsmouth Harbor, N. H. Engineer first and second light-house districts. Portland, Me.
Do	Robert S. Williamson . . .	On detached service. Engineer twelfth light house district. San Francisco, Cal.
Major	Quincy A. Gillmore . . .	In charge of construction of fortifications on Staten Island, N. Y., and of the fortifications on the South Atlantic Coast, between and including Fort Macon, N. C., and Fort Marion, Fla.; improvement of the bar at the mouth of the Saint John's River, Fla.; the ship-channel in Charleston Harbor, S. C.; Savannah River and Harbor; removing obstructions in Ashepoo River, and wrecks in Stone River, S. C. Member of board of engineer officers at New York City to examine candidates for promotion in the Corps of Engineers. President of board for testing Gatling guns for flank-defense of fortifications. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Charleston, S. C.
Do	Thomas Lincoln Casey . .	In charge of the first and second divisions. Office of the Chief of Engineers, Washington, D. C.
Do	Nathaniel Michler	In charge of works for defense of the mouth of the Columbia River, and improvement of the Willamette, Umpqua, and the Upper Columbia Rivers; examinations and surveys of Yamhill River, and mouth of Coquille River, Oregon. Engineer thirteenth light-house district. Portland, Oreg.
Do	John G. Parke	In charge of the third division. Office of the Chief of Engineers, Washington, D. C.
Do	Gouverneur K. Warren . .	In charge of construction of defenses of New Bedford Harbor, Mass.; Narragansett Bay, R. I.; New London and New Haven Harbors, Conn.; improvement of harbors of Edgartown, Wareham, and Hyannis, Mass.; Wickford and Newport, R. I.; Stonington, New Haven, Bridgeport, and Norwalk, Conn.; Port Jefferson and Huntington, N. Y.; improvement of rivers Taunton, Mass.; Pawtucket and Providence, R. I.; Pawcatuck, R. I. and Conn.; Thames and Housatonic, Conn.; and Peconic, N. Y. Construction of breakwater at Block Island, R. I. Examinations and surveys at Wood's Hole and Fall River, Mass., and at Point Judith Lake, R. I. Member of board of engineers on bridging the channel between Lake Huron and Lake Erie. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Newport, R. I.

Statement showing rank, &c., of officers of the Corps of Engineers, &c.—Continued.

Rank.	Names.	Duties and address.
Major.....	George H. Mendell.....	In charge of construction of fort at Alcatraz Island, defenses at Lime Point, San Francisco Bay, and breakwater at Wilmington Harbor, Cal.; and removal of Rincon Rock in the harbor of San Francisco. Member of board of engineers for Pacific Coast. Member of board of engineers on harbor at San Antonio Creek, Cal. Member of commission appointed by the President to report upon a system of irrigation in the San Joaquin, Tulare, and Sacramento Valleys, Cal. San Francisco, Cal.
Do.....	Henry L. Abbot.....	Commanding engineer depot and post of Willet's Point, and battalion of engineers. In charge of construction of Fort Schuyler and Fort at Willet's Point, N. Y., and of experiments with torpedoes. Whitestone, Queens County, N. Y.
Do.....	William P. Craighill.....	In charge of construction of defenses of Baltimore, Md., Washington, D. C., and of Forts Monroe and Wool, Va.; improvement of Susquehanna, Patuxco, Chester, Wicomico, and Northeast Rivers, Md., Occoquan, Rappahannock, James, Appomattox, Elizabeth, and Nansemond Rivers, Va., Roanoke and Cape Fear Rivers, N. C., of Aquia, Accotink, and Nomini Creeks, Va.; of the harbors of Baltimore, Cambridge, and Worton, Md., Washington and Georgetown, D. C. Examinations and surveys of Old House channel to main channel of Pamlico Sound, harbor of Washington, N. C. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Union Bank Building, Baltimore, Md.
Do.....	Cyrus B. Comstock.....	In charge of survey of northern and northwestern lakes. Member of board of engineers on bridging the channel between Lake Huron and Lake Erie. Member of board of engineers to report upon improvement of harbor at Buffalo, N. Y. Detroit, Mich.
Do.....	Godfrey Wetzel.....	In charge of improvement of the Falls of the Ohio River, of works of river and harbor improvement on Lakes Saint Clair and Huron, and Saint Mary's and Clinton Rivers. Engineer eleventh light-house district. Member of board of engineers on bridging the channel between Lake Huron and Lake Erie. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Detroit, Mich.
Do.....	Orlando M. Poe.....	On detached service. Aid-de-camp on the personal staff of the General of the Army with the rank of colonel. Headquarters of the Army, Washington, D. C.
Do.....	David C. Houston.....	In charge of harbor improvements at Marquette, Lake Superior, western and southern coasts of Lake Michigan, New Buffalo on the eastern coast, and Harbor of Refuge at entrance of Sturgeon Bay Canal; improvement of the Fox and Wisconsin Rivers. Jacksonville, Fla.
Do.....	George H. Elliot.....	On detached service. Engineer secretary to Light-House Board. Washington, D. C.
Do.....	Henry M. Robert.....	On detached service. Engineer in eleventh light-house district. Post-office box 606, Milwaukee, Wis.
Do.....	William E. Merrill.....	In charge of improvement of the Ohio, Great Kanawha, Monongahela, and Wabash Rivers; of water-gauges on the Mississippi River and its principal tributaries; examination and survey of Youghiogony River, Pa., and exploration of routes for the extension of the Chesapeake and Ohio Canal to the Ohio River by the north and south branches of the Potomac River. On engineer duty under Light-House Board. Member of board of engineers on bridging the channel between Lake Huron and Lake Erie. No. 4, Public Landing, Cincinnati, Ohio.
Do.....	Walter McFarland.....	In charge of improvement of the Tennessee River, Cumberland River, below Nashville, Tenn., Tombigbee River, in Miss. Chattanooga, Tenn.
Do.....	Orville E. Babcock.....	On duty with the President. In charge of public buildings and grounds, and certain public works in the District of Columbia, with the rank of colonel; of Washington Aqueduct; and construction of Chain Bridge on the Potomac River. Executive Mansion, Washington, D. C.

Statement showing rank, &c., of officers of the Corps of Engineers, &c.—Continued.

Rank.	Names.	Duties and address.
Major	John M. Wilson	In charge of construction of forts Ontario and Niagara, N. Y.; of harbor improvements on Lake Ontario and river Saint Lawrence, N. Y. Member of board of engineers to report upon improvement of harbor at Buffalo, N. Y. Oswego, N. Y.
Do.....	Franklin Harwood.....	In charge of improvement of harbors of Buffalo and Dunkirk, N. Y., and construction of Fort Porter, N. Y.; temporarily in charge of construction of Fort Wayne, Mich., harbor improvements, Lake Erie, west of Dunkirk, N. Y., and Maumee River, above Toledo, Ohio; examination and survey for harbor of refuge at Cleveland, Ohio. Engineer tenth light-house district. Member of board of engineers to report upon improvement of harbor at Buffalo, N. Y. Buffalo, N. Y.
Do.....	John W. Barlow	On detached service. Engineer officer military division of the Missouri. Chicago, Ill.
Do.....	Peter C. Hains.....	On detached service. Engineer fifth and sixth light-house districts. Union Bank building, Baltimore, Md.
Do.....	Francis U. Farquhar....	In charge of harbor improvements Lake Superior, west of Marquette; preservation of Falls of Saint Anthony, improvement of Minnesota River; construction of Meeker's Island lock and dam, and surveys of Red and Galena Rivers. Saint Paul, Minn.
Do.....	George L. Gillespie.....	On detached service temporarily. On duty under orders of Lieut. Gen. Sheridan. Chicago, Ill.
Do.....	Charles E. Suter.....	In charge of improvement of the Mississippi, Missouri, and Arkansas Rivers, the White and Saint Francis Rivers, and survey of Forked Deer River, Tenn. 1351, Washington ave., Saint Louis, Mo.
Captain.....	Jared A. Smith.....	On duty under immediate orders of Lieut. Col. Blunt. Key West, Fla.
Do.....	Samuel M. Mansfield....	In charge of harbor improvements east coast of Lake Michigan, from Frankfort to Saint Joseph, inclusive. Detroit, Mich.
Do.....	William J. Twining	On detached service under the Department of State, upon the joint commission for the survey of the boundary-line along the 49th parallel. Detroit, Mich.
Do.....	William R. King.....	Commanding Company B, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	William H. H. Benysaund	In charge of improvement of the Ouachita River in Louisiana and Arkansas, and of the Yazoo River, in Mississippi. Vicksburg, Miss.
Do.....	Charles W. Howell	In charge of the improvement of the mouth of the Mississippi River, Galveston Harbor, Tangipahoa River, La.; Cypress Bayou, Texas; bar in Galveston Bay; Calcasieu Pass, La.; removal of raft in Red River, La.; defenses of New Orleans; examinations and surveys in Louisiana and Texas. Member of board of engineers to report upon plan for a ship-canal to connect the Mississippi River with the Gulf of Mexico. Drawer 432, New Orleans, La.
Do.....	Asa H. Holgate.....	Patient in Government Asylum for the Insane. Washington, D. C.
Do.....	Garret J. Lydecker.....	On detached service. Engineer officer military division of the Pacific. San Francisco, Cal.
Do.....	Arthur H. Burnham	On duty under immediate orders of Colonel Macomb. Rock Island, Ill.
Do.....	Amos Stickney	On duty under immediate orders of Colonel Macomb. Keokuk, Iowa.
Do.....	James W. Cuyler.....	On duty under immediate orders of Major Houston. Milwaukee, Wis.
Do.....	Alexander Mackenzie....	Commanding Company A, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	Oswald H. Ernst.....	Commanding Company E, battalion of engineers. On duty at the Military Academy. Instructor of practical military engineering, military signals, and telegraphing. West Point, N. Y.
Do.....	David P. Heap.....	On duty under immediate orders of Major Gillmore. Charleston, S. C.
Do.....	William Ludlow	On detached service. Engineer officer department of Dakota. Post-office box 11, Saint Paul, Minn.
Do.....	Charles B. Phillips.....	On duty under immediate orders of Major Craighill. Smithville, N. C.
Do.....	William A. Jones.....	On detached service. Engineer officer department of the Platte. Omaha, Nebr.

Statement showing rank, &c., of officers of the Corps of Engineers, &c.—Continued.

Rank.	Names.	Duties and address.
Captain.....	Andrew N. Damrell	In charge of construction of defenses of Mobile and Pensacola, and fort on Ship Island, Miss.; improvement of harbor and bay of Mobile; dredging the bar at mouth of harbor of Cedar Keys, Fla.; examinations and surveys of Apalachicola, Chatahoochie, and Flint Rivers, and harbors of Mobile and Cedar Keys. Engineer eighth light-house district. Mobile, Ala.
Do.....	Charles J. Allen	On duty under immediate orders of Colonel Simpson. 1122 Pine street, Saint Louis, Mo.
Do.....	Charles W. Raymond	On detached service. On duty at the Military Academy. West Point, N. Y.
Do.....	Lewis C. Overman	On duty under immediate orders of Major McFarland. Nashville, Tenn.
Do.....	Alexander M. Miller.....	On detached service. On duty at the Military Academy. West Point, N. Y.
Do.....	Micah R. Brown	On duty under immediate orders of Lieutenant-Colonel Kurtz. Philadelphia, Pa.
Do.....	Milton B. Adams	On duty under immediate orders of Major Wetzels. Louisville, Ky.
Do.....	William R. Livermore ..	On duty under immediate orders of Major Comstock. Detroit, Mich.
Do.....	William H. Heuer	On duty under immediate orders of Lieutenant-Colonel Newton. Recruiting officer battalion of engineers. Astoria, N. Y.
Do.....	William S. Stanton	On temporary duty under immediate orders of Lieutenant-Colonel Thom. Post-office lock-drawer, 5167, Boston, Mass.
Do.....	A. Nisbet Lee	On duty under immediate orders of Major Comstock. Detroit, Mich.
Do.....	Thomas H. Handbury.....	On detached service. On duty at Military Academy. West Point, N. Y.
Do.....	James C. Post	Commanding company C, battalion of engineers. Whitestone, Queens County, N. Y.
First lieutenant.....	James F. Gregory	On detached service under the Department of State upon the joint commission for the survey of the boundary-line along the forty-ninth parallel. Detroit, Mich.
Do.....	Henry M. Adams	On duty under immediate orders of Captain Howell. Drawer 432, New Orleans, La.
Do.....	James Mercur	Adjutant battalion of engineers and post of Willet's Point. Post-treasurer and signal officer. Whitestone, Queens County, N. Y.
Do.....	Charles E. L. B. Davis..	On duty under immediate orders of Captain Howell. Lock-box 950, New Orleans, La.
Do.....	Benjamin D. Greene.....	On duty with company A, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	John H. Weeden	On duty under the immediate orders of Lieutenant-Colonel Stewart. Post-office box 48, San Diego, Cal.
Do.....	George M. Wheeler	In charge of geographical and geological explorations and surveys west of the 100 meridian. Lock-box 93, Washington, D. C.
Do.....	James B. Quinn	On duty under immediate orders of Captain Howell. Post-office box 432, New Orleans, La.
Do.....	Daniel W. Lockwood.....	On duty under immediate orders of Major Comstock. Detroit, Mich.
Do.....	Ernest H. Ruffner	On detached service. Engineer officer department of the Missouri. In charge of completion of military road from Santa Fé to Taos, N. Mex. Fort Leavenworth, Kans.
Do.....	John C. Mallery.....	On detached service. On duty at the Military Academy. West Point, N. Y.
Do.....	Clinton B. Sears	On duty under immediate orders of Major Mendell. Los Angeles, Cal.
Do.....	Thomas Turtle.....	On duty under immediate orders of Major Craighill. Old Point Comfort, Va.
Do.....	Edward Maguire.....	On duty under immediate orders of Major Comstock. Detroit, Mich.
Do.....	Frederick A. Mahan	On temporary duty under immediate orders of Major Gillmore. Lock-box 13, Savannah, Ga.
Do.....	Charles F. Powell.....	On duty under immediate orders of Major Comstock. Recruiting officer battalion of engineers. Detroit, Mich.
Do.....	Frederick A. Hinman ..	On duty under immediate orders of Captain Damrell. Mobile, Ala.
Do.....	Albert H. Payson	Quartermaster battalion of engineers. Acting assistant quartermaster and acting commissary of subsistence, and recruiting officer post of Willet's Point. Whitestone, Queens County, N. Y.

Statement showing rank, &c., of officers of the Corps of Engineers, &c.—Continued.

Rank.	Names.	Duties and address.
First lieutenant	John G. D. Knight	On duty under immediate orders of Major Abbot, upon fortifications at Willet's Point and Fort Schuyler, N. Y. Westchester, Westchester County, N. Y.
Do.....	Richard L. Hoxie	On duty under immediate orders of Lieutenant Wheeler. Lock-box 93, Washington, D. C.
Do.....	Edgar W. Bass	On detached service. On duty at the Military Academy. West Point, N. Y.
Do.....	William L. Marshall	On duty under immediate orders of Lieutenant Wheeler. Lock-box 93, Washington, D. C.
Do.....	Joseph H. Willard	On duty under immediate orders of Lieutenant-Colonel Newton. Box 228, Albany, N. Y.
Do.....	Eric Bergland	On duty at the Military Academy and with company E, battalion of engineers. West Point, N. Y.
Do.....	Samuel E. Tillman	On duty under immediate orders of Lieutenant Wheeler. Lock-box 93, Washington, D. C.
Do.....	Philip M. Price, jr.	On duty with company B, battalion of engineers. Whitestone, Queens County, N. Y.
Second lieutenant	Francis V. Greene	On detached service under the Department of State upon the joint commission for the survey of the boundary-line along the 49th parallel. Pombina, Dak.
Do.....	Carl F. Palfrey	On detached service. On duty at the Military Academy. West Point, N. Y.
Do.....	William H. Bixby	On duty with Company C, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	Henry S. Taber	On duty with Company B, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	William T. Russell	On duty with Company A, battalion of engineers. Whitestone, Queens County, N. Y.
Do.....	Thomas N. Bailey	On duty with Company C, battalion of engineers. Whitestone, Queens County, N. Y.
RETIRED.		
Colonel	Henry Brewerton	Old Point Comfort, Va.
Do.....	Thomas J. Cram	1817 De Lancey Place, Philadelphia, Pa.
Lieutenant-colonel	Lorenzo Sitgraves	1296 F street, Washington, D. C.
Major	Frederick E. Prime	Huntington, Suffolk County, N. Y.
UNITED STATES CIVIL ENGINEERS.		
.....	Clarence King	In charge of Geological Exploration of Fortieth Parallel. 47 Lafayette Place, New York City.
.....	Gen. J. H. Wilson	Member of the board of engineers upon the improvement of Des Moines and Rock Island Rapids, and improvement of Illinois River. 70 William street, New York City.

By command of Brigadier-General HUMPHREYS:

THOS. LINCOLN CASEY,
Major of Engineers.

Civil employés of the Pay Department and station-list of the officers.

PAYMASTER-GENERAL'S OFFICE, WAR DEPARTMENT.

Washington, March 2, 1874.

SIR: In response to your request of the 28th ultimo, I have the honor to inclose herewith a list of the civil employés of this Department, showing their stations, duties, and annual compensation in tabular form.

Very respectfully, your obedient servant,

B. ALVORD,
Paymaster-General, U. S. A.

HON. JOHN COBURN,
*Chairman of Committee on Military Affairs,
House of Representatives.*

REDUCTION OF THE MILITARY ESTABLISHMENT.

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A list of the civil employes of the Pay Department, showing their duties, where employed, and their annual compensation.

No.	Duties.	Station.	Annual compensation.	Total.
1	Chief clerk.....	Washington.....	\$2,000 00	} \$2,250 00
	Chief clerk as superintend't of building.....	do.....	250 00	
4	Clerks.....	do.....	1,800 00	7,200 00
9	do.....	do.....	1,600 00	14,400 00
23	do.....	do.....	1,400 00	32,200 00
12	do.....	do.....	1,200 00	14,400 00
47	Clerks to paymasters.....	See station-list inclosed.....	1,200 00	56,400 00
96	Total of clerks.....			126,850 00
2	Messengers.....	Washington.....	840 00	1,680 00
3	Messengers to paymasters.....	} See station-list inclosed..	900 00	2,700 00
2	do.....		720 00	1,440 00
14	do.....		600 00	8,400 00
1	do.....		480 00	480 00
22	Total of messengers.....			14,700 00
5	Watchmen.....	Washington.....	720 00	3,600 00
2	Laborers.....	do.....	720 00	1,440 00
125	Total.....			146,590 00

Station-list of the officers of the Pay Department United States Army, as by official records in the Paymaster-General's Office, February 1, 1874.

No. of messen- gers.	No. of clerks.	Name.	Station.	Remarks.
		PAYMASTER-GENERAL.		
		<i>Colonel.</i>		
		Benjamin Alvord.....	Washington, D. C.....	
		ASSISTANT PAYMASTERS-GENERAL.		
		<i>Colonels.</i>		
1	1	Nathan W. Brown.....	New York City.....	Chief paymaster, Military Division of the Atlantic.
1	1	Daniel McClure.....	Louisville, Ky.....	Chief paymaster, Dep't of the South.
		PAYMASTERS.		
		<i>Majors.</i>		
1	1	Franklin E. Hunt.....	Leavenworth, Kans.....	Chief paymaster, Dep't of the Missouri.
1	2	Henry Prince.....	New York City.....	
1	1	Samuel Woods.....	San Francisco, Cal.....	Chief paymaster, Military Division of the Pacific and of the Department of California.
1	1	Augustus H. Seward.....	Saint Paul, Minn.....	Chief paymaster, Dep't of Dakota.
1	1	George L. Febiger.....	New Orleans, La.....	Chief paymaster, Dep't of the Gulf.
1	1	Henry C. Pratt.....	Detroit, Mich.....	
1	1	Simeon Smith.....	Omaha, Nebr.....	Chief paymaster, Dep't of the Platte.
1	1	Charles T. Larned.....	Washington, D. C.....	In Paymaster-General's Office.
1	1	John P. Brua.....	Philadelphia, Pa.....	On leave of absence on surgeon's certificate since June 3, 1873. (Post-office address, Harrisburgh, Pa.)
	1	Rodney Smith.....	Saint Paul, Minn.....	
	3	Joseph H. Eaton.....	Washington, D. C.....	In Paymaster-General's Office paying Treasury certificates.
1	1	James B. M. Potter.....	Santa Fé, N. Mex.....	
1	1	William A. Rucker.....	Portland, Oreg.....	Acting chief paymaster, Department of Columbia.
1	1	Robert C. Walker.....	Helena, Mont.....	
1	1	William H. Johnston.....	New Orleans, La.....	

Station-list of the officers of the Pay Department, &c.—Continued.

No. of messen- gers.	No. of clerks.	Name.	Station.	Remarks.
1	1	16 William R. Gibson	San Antonio, Tex	Chief paymaster, Dep't of Texas.
	1	17 Charles J. Sprague	San Francisco, Cal	Chief paymaster, Dep't of Arizona.
	1	18 Thomas H. Halsey	New York City	
	1	19 William B. Rochester	Louisville, Ky	
	1	20 Henry B. Reese	do	
	1	21 Nicholas Vedder	Leavenworth, Kans.	
	1	22 Edwin D. Judd	San Antonio, Tex.	
1	1	23 Valentine C. Hanna	Chicago, Ill.	
	1	24 William Smith	Saint Paul, Minn.	
	1	25 Charles M. Terrell	Omaha, Nebr.	
1	1	26 Thad. H. Stanton	Cheyenne, Wyo	
	1	27 George E. Glenn	San Antonio, Tex	
		28 Jacob E. Burbank		Absent on twenty-two months' sick-leave since June 17, 1872. (Post-office address, Leavenworth, Kans.)
	1	29 Brantz Mayer	San Francisco, Cal.	
	1	30 James W. Nichols	Fort Brown, Tex.	
1	1	31 Robert D. Clarke	Washington, D. C.	Post paymaster.
1	1	32 James H. Nelson	Prescott, Ariz.	
	1	33 Charles W. Wingard	San Francisco, Cal.	
	1	34 James P. Canby	Portland, Oreg.	
	1	35 Peter P. G. Hall	New York City	
1	1	36 George W. Candee	Sioux City, Iowa.	
	1	37 Edmund H. Brooke	Leavenworth, Kans.	
1	1	38 Israel O. Dewey	Salt Lake City, Utah.	
1	1	39 James R. Mears	Charleston, S. C.	
	1	40 Asa B. Carey	Santa Fé, N. Mex.	
	1	41 William P. Gould	Fort Stockton, Tex.	
1	1	42 David Taylor	Tucson, Ariz.	
	1	43 Frank Bridgman	Santa Fé, N. Mex.	
	1	44 Virgil S. Eggleston	Portland, Oreg.	
20	47			

RETIRED LIST.

	Name.	Rank.	Date of retirement.	Residence and post-office address.
1	B. W. Brice	Brigadier-general	Jan. 1, 1872	Barnum's Hotel, Baltimore, Md.
2	Hiram Leonard	Lieutenant-colonel	Jan. 1, 1872	San Francisco, Cal.
3	T. J. Lealie	Major	Feb. 3, 1869	No 42 West Twentieth street, New York City.

CHARLES T. LARNED,
Paymaster, U. S. Army.

BENJAMIN ALVORD,
Paymaster-General, U. S. Army.

Statement of Inspector-General as to civil employés in his office.

WAR DEPARTMENT, INSPECTOR-GENERAL'S OFFICE,
Washington, D. C., February 28, 1874.

SIR: In reply to your communication of this date, I have the honor to state that the only civil employé in this office is one clerk of the third class, who receives a compensation of \$1,600 per annum.

His duties are in making extracts from inspection-reports, keeping the records of the Office, and issuing blank forms of the inspection of troops, public property, and the accounts of disbursing officers.

The other four inspectors-general have no civil or other employés. They make out all their own reports and other papers with their own hands.

The three assistant inspectors-general are stationed at the headquarters of the Military Divisions of the Atlantic, Pacific, and Missouri, are exclusively under the orders of the division-commanders, and if they have any civil employes, they are furnished them by those commanders who report them to the Adjutant-General.

Very respectfully, your obedient servant,

R. B. MAROY,
Inspector-General.

Hon. JOHN COBURN,
*Chairman of Committee on Military Affairs,
House of Representatives.*

Statement of the Chief Signal-Officer as to civil employes in his office.

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL-OFFICER,
Washington, D. C., March 2, 1874.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 28th ultimo, and to forward herewith a list of the citizens at present employed at this Office. There are none employed elsewhere. The number may vary at any time by discharges, &c., viz :

	Per month.
One civilian assistant at.....	\$375 00
One civilian assistant at.....	291 67
One electrician at.....	150 00
Two telegraph operators, each at.....	115 00
One telegraph operator at.....	110 00
Three messengers, each at.....	35 00
One messenger at.....	25 00
Six laborers, each, at.....	30 00
One laborer at.....	35 00

These employes are paid from the amount of the appropriation for the expenses of the Signal Service, and for the observation and report of storms for the benefit of commerce and agriculture throughout the United States, as already given the committee.

At twenty cities and villages upon the principal rivers in the interior, the temporary services of citizens are had to procure a daily river report, to be telegraphed during the months of April, May, June, July, October, and November, or on occasion of freshets or other especial danger, and at other times made of record and forwarded by mail, by an arrangement under which they receive fifty cents for each report made to this Office. These persons are not regarded as employes, payment being made only for the number of reports received.

There are also in this Office two clerks of class two, provided for under the act approved March 3, 1863. Statutes at Large, vol. 12, page 753, chapter 75.

I am, sir, very respectfully, your obedient servant,

ALBERT J. MYERS,

Brig. Gen., (Bvt. Assig'd,) Chief Signal Officer of the Army.

Hon. JOHN COBURN,
*Chairman of Committee on Military Affairs,
House of Representatives.*

Statement of the Judge-Advocate-General as to civil employés in his office.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
Washington, D. C., March 2, 1874.

DEAR SIR: In reply to your letter of the 28th ultimo, I have the honor to state that there are but three civil employés on duty in this Bureau, viz: One first-class clerk at a salary of \$1,200 per annum; one third-class clerk at a salary of \$1,600 per annum; and one chief clerk at a salary of two thousand dollars per annum. Their duties are strictly clerical.

There are five enlisted men detailed for duty in the Bureau, viz: three as clerks and two as messengers, performing also clerical duty. Their annual pay is about \$1,047 each.

It is also to be stated that, by the authority of the Secretary of War, the judge-advocates of the Departments of Dakota and of the Platte have each employed at this time one civilian clerk, precise amount of whose salaries is not known to me.

Very respectfully, your obedient servant,

J. HOLT,
Judge-Advocate-General.

Hon. JOHN COBURN,
Chairman, &c.

Statement showing the organization of the Regular Army, compiled from returns received at the Adjutant-General's office up to November 15, 1873.

FIRST REGIMENT OF CAVALRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Benicia Barracks, Cal.
Non-commissioned staff and band.....	16	do	Do.
A.....	72	do	Do.
B.....	58	do	Fort Klamath, Oreg.
C.....	61	do	Camp McDermitt, Nev.
D.....	64	Aug. 31, 1873	Benicia Barracks, Cal.
E.....	57	do	Fort Lapwai, Idaho.
F.....	53	do	Fort Walla-Walla, Wash.
G.....	54	do	Camp Harney, Oreg.
H.....	50	do	Do.
I.....	50	Oct. 31, 1873	Camp Halleck, Nev.
K.....	62	Aug. 31, 1873	Camp Harney, Oreg.
L.....	50	do	Fort Walla-Walla, Wash.
M.....	56	do	Do.
	25	.....	100 recruits left Saint Louis Barracks March 4, 1873; 75 joined.
	2	.....	Recruits left Saint Louis Barracks August 16, 1873.
	4	.....	Musicians left Saint Louis Barracks September 18, 1873.
	100	.....	Recruits left New York City October 29, 1873.
	111	.....	Recruits left Saint Louis Barracks October 31, 1873.
Total	954		

Statement showing the organization of the Regular Army, &c.—Continued.

SECOND REGIMENT OF CAVALRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters	20	Oct. 31, 1873	Fort Sanders, Wyo.
Non-commissioned staff and band.	20	do	Do.
A	70	do	Fort Fred. Steele, Wyo.
B	58	do	Camp Brown, Wyo.
C	61	do	Omaha Barracks, Nebr.
D	65	do	Camp Douglas, Utah.
E	66	do	Fort Laramie, Wyo.
F	58	Aug. 31, 1873	Fort Ellis, Mont.
G	59	do	Do.
H	59	do	Do.
I	70	Oct. 31, 1873	Fort Sanders, Wyo.
K	62	do	Fort Laramie, Wyo.
L	56	Aug. 31, 1873	Fort Ellis, Mont.
M	77	Oct. 31, 1873	Omaha Barracks, Nebr.
	72		100 recruits left New York City July 29, 1873; 28 joined.
	4		Unassigned recruits.
	2		Musicians left New York City October 21, 1873.
Total	859		

THIRD REGIMENT OF CAVALRY.

Headquarters	21	Oct. 31, 1873	Fort McPherson, Nebr.
Non-commissioned staff and band.	21	do	Do.
A	69	do	Sidney Barracks, Nebr.
B	66	do	Fort McPherson, Nebr.
C	66	do	Fort Fetterman, Wyo.
D	69	do	Fort D. A. Russell, Wyo.
E	65	do	Fort Sanders, Wyo.
F	76	do	Fort McPherson, Nebr.
G	67	do	Fort D. A. Russell, Wyo.
H	77	do	Do.
I	64	do	Fort McPherson, Nebr.
K	77	do	Do.
L	52	do	Fort D. A. Russell, Wyo.
M	65	do	Fort McPherson, Nebr.
Total	863		

FOURTH REGIMENT OF CAVALRY.

Headquarters	19	Aug. 31, 1873	Fort Clark, Tex.
Non-commissioned staff and band.	19	do	Do.
A	69	do	Do.
B	66	do	Do.
C	71	do	Do.
D	65	do	Do.
E	61	do	Fort Duncan, Tex.
F	69	do	Fort Clark, Tex.
G	67	do	Do.
H	71	do	Do.
I	64	do	Do.
K	70	do	Do.
L	65	Oct. 31, 1873	Do.
M	71	Aug. 31, 1873	Fort Duncan, Tex.
	40		Recruits left New York City April 27, 1873.
Total	868		

Statement showing the organization of the Regular Army, &c.—Continued.

FIFTH REGIMENT OF CAVALRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....		Aug. 31, 1873	Tucson, Ariz.
Non-commissioned staff and band.	26	.....do.....	Do.
A.....	74	.....do.....	Camp Verde, Ariz.
B.....	71	.....do.....	Camp Apache, Ariz.
C.....	71	.....do.....	Do.
D.....	75	.....do.....	Camp Bowie, Ariz.
E.....	67	.....do.....	Camp McDowell, Ariz.
F.....	67	.....do.....	Camp Grant, Ariz.
G.....	71	.....do.....	Fort Whipple, Ariz.
H.....	70	.....do.....	Camp Lowell, Ariz.
I.....	64	.....do.....	Camp Grant, Ariz.
K.....	83	.....do.....	Camp Verde, Ariz.
L.....	76	.....do.....	Camp Grant, Ariz.
M.....	68	.....do.....	Do.
	80	.....do.....	Recruits left New York City September 22, 1873.
	2	.....do.....	Musicians left Saint Louis Barracks September 20, 1873.
	40	.....do.....	Recruits left Saint Louis Barracks September 23, 1873.
Total	995		

SIXTH REGIMENT OF CAVALRY.

Headquarters.....		Oct. 31, 1873	Fort Hays, Kana.
Non-commissioned staff and band.	19	.....do.....	Do.
A.....	69	.....do.....	Fort Wallace, Kana.
B.....	73	.....do.....	Fort Hays, Kana.
C.....	68	.....do.....	Do.
D.....	64	.....do.....	Do.
E.....	68	.....do.....	Fort Gibson, Ind. T.
F.....	66	.....do.....	Fort Hays, Kana.
G.....	61	.....do.....	Fort Dodge, Kana.
H.....	72	.....do.....	Fort Lyon, Colo.
I.....	69	.....do.....	Camp Supply, Ind. T.
K.....	69	.....do.....	Do.
L.....	73	.....do.....	Fort Riley, Kana.
M.....	66	.....do.....	Fort Lyon, Colo.
Total	837		

SEVENTH REGIMENT OF CAVALRY.

Headquarters.....		Oct. 31, 1873	Saint Paul, Minn.
Non-commissioned staff and band.	5	.....do.....	Do.
A.....	81	.....do.....	Fort A. Lincoln, Dak.
B.....	58	Aug. 31, 1873	Do.
C.....	77	Oct. 31, 1873	Fort Rice, Dak.
D.....	80	.....do.....	Fort Totten, Dak.
E.....	78	.....do.....	Fort A. Lincoln, Dak.
F.....	68	Aug. 31, 1873	Do.
G.....	77	Oct. 31, 1873	Do.
H.....	80	.....do.....	Fort Rice, Dak.
I.....	81	.....do.....	Fort Totten, Dak.
K.....	79	.....do.....	Fort Rice, Dak.
L.....	76	.....do.....	Fort A. Lincoln, Dak.
M.....	76	.....do.....	Fort Rice, Dak.
	33	.....do.....	100 recruits left New York City October 12, 1873; 67 joined.
Total	949		

Statement showing the organization of the Regular Army, &c.—Continued.

EIGHTH REGIMENT OF CAVALRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	18	Aug. 31, 1873	Santa Fé, N. Mex.
Non-commissioned staff and band.		do	Do.
A.....	64	do	Fort Bayard, N. Mex.
B.....	63	do	Fort Union, N. Mex.
C.....	67	do	Fort Selden, N. Mex.
D.....	65	do	Fort Stanton, N. Mex.
E.....	64	Oct. 31, 1873	Fort Wingate, N. Mex.
F.....	65	do	Fort Garland, Colo.
G.....	55	Aug. 31, 1873	Fort Selden, N. Mex.
H.....	60	do	Fort McRae, N. Mex.
I.....	60	do	Fort Bayard, N. Mex.
K.....	54	do	Fort Wingate, N. Mex.
L.....	63	do	Fort Union, N. Mex.
M.....	67	do	Do.
	19	do	100 recruits left Saint Louis Barracks July 22, 1873; 81 joined.
		do	220 recruits ordered October 29, 1873.
Total	784		

NINTH REGIMENT OF CAVALRY.

Headquarters.....	23	Aug. 31, 1873	Ringgold Barracks, Tex.
Non-commissioned staff and band.		do	Do.
A.....	58	do	Fort Concho, Tex.
B.....	62	do	Ringgold Barracks, Tex.
C.....	45	do	Do.
D.....	60	do	Fort Stockton, Tex.
E.....	61	do	Fort Concho, Tex.
F.....	60	do	Do.
G.....	55	do	Ringgold Barracks, Tex.
H.....	52	do	Do.
I.....	59	do	Fort Davis, Tex.
K.....	49	do	Fort Brown, Tex.
L.....	62	do	Ringgold Barracks, Tex.
M.....	55	do	Fort Concho, Tex.
			All disposable recruits ordered September 16, 1873.
Total	701		

TENTH REGIMENT OF CAVALRY.

Headquarters.....	33	Oct. 31, 1873	Fort Sill, Ind. T.
Non-commissioned staff and band.		do	Do.
A.....	67	do	Fort Concho, Tex.
B.....	59	Aug. 31, 1873	Fort Sill, Ind. T.
C.....	57	do	Fort Griffin, Tex.
D.....	56	do	Do.
E.....	55	Oct. 31, 1873	Fort Richardson, Tex.
F.....	59	do	Fort Concho, Tex.
G.....	58	Aug. 31, 1873	Fort Sill, Ind. T.
H.....	66	Oct. 31, 1873	Do.
I.....	51	do	Fort Richardson, Tex.
K.....	71	do	Fort Sill, Ind. T.
L.....	59	do	Fort Richardson, Tex.
M.....	71	do	Fort Sill, Ind. T.
	38	do	86 recruits left Saint Louis Barracks August 24, 1873; 48 joined.
Total	800		

Statement showing the organization of the Regular Army, &c.—Continued.

FIRST REGIMENT OF ARTILLERY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	22	Oct. 31, 1873	Charleston, S. C.
Non-commissioned staff and band.	36	.....do.....	Do.
A.....	47	.....do.....	Fort Barrancas, Fla.
B.....	55	.....do.....	Saint Augustine, Fla.
C.....	54	.....do.....	Do.
D.....	39	.....do.....	Savannah, Ga.
E.....	34	.....do.....	Key West, Fla.
F.....	47	.....do.....	Fort Barrancas, Fla.
G.....	46	.....do.....	Fort Monroe, Va.
H.....	49	.....do.....	Charleston, S. C.
I.....	61	.....do.....	Key West, Fla.
K, (battery).....	49	.....do.....	Charleston, S. C.
L.....	57	.....do.....	Fort Barrancas, Fla.
M.....	30	Aug. 31, 1873	Fort Jefferson, Fla.
	1		Recruits attached to Company G for instruction.
	36		Unassigned recruit.
			Recruits ordered to battery K, October 7, 1873.
Total.....	603		

SECOND REGIMENT OF ARTILLERY.

Headquarters.....	27	Oct. 31, 1873	Fort McHenry, Md.
Non-commissioned staff and band.	91	.....do.....	Do.
A, (battery).....	57	.....do.....	Do.
B.....	49	.....do.....	Fort Foote, Md.
C.....	47	.....do.....	Fort McHenry, Md.
D.....	52	.....do.....	Charleston, S. C.
E.....	55	.....do.....	Fort Macon, N. C.
F.....	44	.....do.....	Raleigh, N. C.
G.....	50	.....do.....	Do.
H.....	50	.....do.....	Fort McHenry, Md.
I.....	50	.....do.....	Raleigh, N. C.
K.....	50	.....do.....	Fort Monroe, Va.
L.....	47	.....do.....	Fort Macon, N. C.
M.....	56	.....do.....	Fort Johnston, N. C.
	8		Unassigned recruits.
	29		Recruits attached to Company K for instruction.
Total.....	711		

THIRD REGIMENT OF ARTILLERY.

Headquarters.....	26	Oct. 31, 1873	Fort Hamilton, New York Harbor.
Non-commissioned staff and band.	56	.....do.....	Do.
A.....	44	.....do.....	Fort Monroe, Virginia.
B.....	68	.....do.....	Fort Niagara, N. Y.
C, (battery).....	34	.....do.....	Fort Hamilton, New York Harbor.
D.....	31	.....do.....	Madison Barracks, N. Y.
E.....	49	.....do.....	Fort Hamilton, New York Harbor.
F.....	44	.....do.....	Fort Ontario, N. Y.
G.....	41	.....do.....	Fort Hamilton, New York Harbor.
H.....	49	.....do.....	David's Island, New York Harbor.
I.....	54	.....do.....	Fort Hamilton, New York Harbor.
K.....	45	.....do.....	Fort Wadsworth, New York Harbor.
L.....	36	.....do.....	Fort Wood, New York Harbor.
M.....	27	.....do.....	Fort Wadsworth, New York Harbor.
			Recruits attached to Company A for instruction.
Total.....	597		

Statement showing the organization of the Regular Army, &c.—Continued.

FOURTH REGIMENT OF ARTILLERY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	21	Oct. 31, 1873	Presidio, San Francisco, Cal.
Non-commissioned staff and band.		do	Do.
A.....	35	do	Do.
B, (battery).....	84	do	Do.
C.....	43	Aug. 31, 1873	Sitka, Alaska.
D.....	50	do	Do.
E.....	60	do	Fort Stevens, Oreg.
F.....	53	Oct. 31, 1873	Alcatraz Island, Cal.
G.....	58	do	Point San José, Cal.
H.....	48	Aug. 31, 1873	Fort Cape Disappointment, Wash.
I.....	52	Oct. 31, 1873	Fort Monroe, Va.
K.....	43	do	Presidio, Cal.
L.....	51	do	Alcatraz Island, Cal.
M.....	43	do	Presidio, Cal.
	7	do	Unassigned recruits.
	26	do	Recruits attached to Company I for instruction.
Total.....	674		

FIFTH REGIMENT OF ARTILLERY.

Headquarters.....	21	Oct. 31, 1873	Fort Adams, R. I.
Non-commissioned staff and band.		do	Do.
A.....	42	do	Do.
B.....	53	do	Do.
C.....	47	do	Fort Monroe, Va.
D.....	44	do	Fort Warren, Mass.
E.....	50	do	Fort Independence, Mass.
F, (battery).....	84	do	Fort Adams, R. I.
G.....	46	do	Plattsburgh Barracks, N. Y.
H.....	32	do	Fort Trumbull, Conn.
I.....	42	do	Do.
K.....	45	do	Madison Barracks, N. Y.
L.....	41	do	Fort Adams, R. I.
M.....	34	do	Fort Preble, Wis.
	27	do	Recruits attached to Company C for instruction.
	25	do	Recruits ordered to Company E, November 15, 1873.
Total.....	608		

FIRST REGIMENT OF INFANTRY.

Headquarters.....	26	Oct. 31, 1873	Fort Wayne, Mich.
Non-commissioned staff and band.		do	Do.
A.....	37	do	Fort Porter, N. Y.
B.....	40	do	Madison Barracks, N. Y.
C.....	55	do	Fort Porter, N. Y.
D.....	35	do	Fort Wayne, Mich.
E.....	38	do	Do.
F.....	36	do	Fort Mackinac, Mich.
G.....	47	do	Fort Brady, Mich.
H.....	42	do	Fort Gratiot, Mich.
I.....	52	do	Fort Wayne, Mich.
K.....	24	do	Fort Brady, Mich.
Total.....	432		

Statement showing the organization of the Regular Army, &c.—Continued.

SECOND REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Mount Vernon Barracks, Ala.
Non-commissioned staff and band.	24	do	Do.
A.....	50	do	Atlanta, Ga.
B.....	47	do	Do.
C.....	51	do	Huntsville, Ala.
D.....	49	do	Atlanta, Ga.
E.....	34	do	Chattanooga, Tenn.
F.....	44	do	Atlanta, Ga.
G.....	48	do	Mount Vernon Barracks, Ala.
H.....	41	do	Atlanta, Ga.
I.....	41	do	Do.
K.....	50	do	Mount Vernon Barracks, Ala.
Total.....	479		

THIRD REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Fort Riley, Kans.
Non-commissioned staff and band.	20	do	Do.
A.....	49	do	Fort Dodge, Kans.
B.....	53	do	Camp Supply, Ind. T.
C.....	52	do	Fort Riley, Kans.
D.....	41	do	Camp Supply, Ind. T.
E.....	47	do	Fort Riley, Kans.
F.....	47	do	Fort Lyon, Colo.
G.....	44	do	Do.
H.....	44	do	Fort Wallace, Kans.
I.....	35	do	Camp Supply, Ind. T.
K.....	49	do	Fort Leavenworth, Kans.
Total.....	481		125 recruits ordered November 17, 1873.

FOURTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Fort Bridger, Wyo.
Non-commissioned staff and band.	21	do	Do.
A.....	59	do	Fort Fetterman, Wyo.
B.....	59	do	Fort Bridger, Wyo.
C.....	58	do	Do.
D.....	57	do	Fort D. A. Russell, Wyo.
E.....	58	do	Do.
F.....	56	do	Fort Fetterman, Wyo.
G.....	59	do	Fort Sanders, Wyo.
H.....	57	do	Camp Douglas, Utah.
I.....	60	do	Fort Sanders, Wyo.
K.....	59	do	Fort Bridger, Wyo.
Total.....	603		

Statement showing the organization of the Regular Army, &c.—Continued.

FIFTH REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Fort Leavenworth, Kana.
Non-commissioned staff and band.	19	.....do.....	Do.
A.....	59	.....do.....	Do.
B.....	54	.....do.....	Fort Gibson, Ind. T.
C.....	45	.....do.....	Fort Larned, Kans.
D.....	46	.....do.....	Fort Dodge, Kans.
E.....	44	.....do.....	Fort Larned, Kans.
F.....	50	.....do.....	Do.
G.....	56	.....do.....	Fort Leavenworth, Kans.
H.....	59	.....do.....	Do.
I.....	56	.....do.....	Do.
K.....	61	.....do.....	Do.
Total.....	549		75 recruits ordered November 17, 1873.

SIXTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort Buford, Dak.
Non-commissioned staff and band.	22	.....do.....	Do.
A.....	55	Oct. 31, 1873	Do.
B.....	54	.....do.....	Fort A. Lincoln, Dak.
C.....	49	Aug. 31, 1873	Fort Buford, Dak.
D.....	57	.....do.....	Do.
E.....	59	.....do.....	Do.
F.....	58	.....do.....	Do.
G.....	58	.....do.....	Do.
H.....	57	.....do.....	Fort Stevenson, Dak.
I.....	58	.....do.....	Fort Buford, Dak.
K.....	56	.....do.....	Fort Stevenson, Dak.
Total.....	583		

SEVENTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort Shaw, Mont.
Non-commissioned staff and band.	20	.....do.....	Do.
A.....	58	.....do.....	Fort Ellis, Mont.
B.....	57	.....do.....	Fort Benton, Mont.
C.....	56	.....do.....	Fort Shaw, Mont.
D.....	58	.....do.....	Do.
E.....	59	.....do.....	Do.
F.....	58	.....do.....	Do.
G.....	58	.....do.....	Do.
H.....	53	.....do.....	Camp Baker, Mont.
I.....	54	.....do.....	Fort Shaw, Mont.
K.....	58	.....do.....	Do.
Total.....	589		

Statement showing the organization of the Regular Army, &c.—Continued.

EIGHTH REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Fort D. A. Russell, Wyo.
Non-commissioned staff and band.	21	do	Do.
A.....	43	do	Camp Stambaugh, Wyo.
B.....	47	do	Fort D. A. Russell, Wyo.
C.....	42	do	Do.
D.....	54	do	Beaver City, Utah.
E.....	50	do	Do.
F.....	33	do	Fort D. A. Russell, Wyo.
G.....	55	do	Beaver City, Utah.
H.....	45	do	Fort D. A. Russell, Wyo.
I.....	50	do	Beaver City, Utah.
K.....	52	do	Fort D. A. Russell, Wyo.
	10	do	Unassigned recruits.
Total.....	502		

NINTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Omaha Barracks, Nebr.
Non-commissioned staff and band.	19	do	Do.
A.....	58	do	Do.
B.....	54	do	Do.
C.....	60	do	Do.
D.....	45	do	Do.
E.....	52	do	Do.
F.....	45	do	Do.
G.....	47	do	Fort D. A. Russell, Wyo.
H.....	40	do	Omaha Barracks, Nebr.
I.....	36	do	Do.
K.....	57	do	Fort Fred Steele, Wyo.
Total.....	513		

TENTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort McKavett, Tex.
Non-commissioned staff and band.	20	do	Do.
A.....	59	do	Do.
B.....	48	do	Fort Stockton, Tex.
C.....	58	do	Fort McKavett, Tex.
D.....	50	Oct. 31, 1873	Austin, Tex.
E.....	59	Aug. 31, 1873	Fort McKavett, Tex.
F.....	56	do	Do.
G.....	55	do	Fort Clark, Tex.
H.....	55	do	Do.
I.....	58	do	Fort McKavett, Tex.
K.....	58	do	Fort Clark, Tex.
	45	do	61 recruits left Newport Barracks July 29, 1873; 16 joined.
Total.....	630		

Statement showing the organization of the Regular Army, &c.—Continued.

ELFVETH REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Fort Richardson, Tex.
Non-commissioned staff and band.	19	.....do.....	Do.
A.....	40	.....do.....	Fort Griffin, Tex.
B.....	55	.....do.....	Fort Richardson, Tex.
C.....	52	.....do.....	Do.
D.....	49	.....do.....	Do.
E.....	46	.....do.....	Fort Concho, Tex.
F.....	49	.....do.....	Fort Griffin, Tex.
G.....	47	.....do.....	Do.
H.....	37	.....do.....	Fort Concho, Tex.
I.....	47	.....do.....	Fort Richardson, Tex.
K.....	49	.....do.....	Do.
Total	490		

TWELFTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Angel Island, Cal.
Non-commissioned staff and band.	21	.....do.....	Do.
A.....	55	Aug. 31, 1873	Camp Wright, Cal.
B.....	44	Oct. 31, 1873	San Diego, Cal.
C.....	54	.....do.....	Fort Hall, Ind. T.
D.....	48	.....do.....	Camp Independence, Cal.
E.....	41	.....do.....	Camp Gaston, Cal.
F.....	55	Aug. 31, 1873	Camp Beal's Springs, Ariz.
G.....	74	.....do.....	Angel Island, Cal.
H.....	40	Oct. 31, 1873	Camp Halleck, Nev.
I.....	55	Aug. 31, 1873	Camp Mohave, Ariz.
K.....	53	Oct. 31, 1873	Camp Gaston, Cal.
	6		143 recruits left Fort Columbus May 4, 1873; 137 joined.
	1		Recruit left San Francisco July, 1873.
Total	547		

THIRTEENTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Fort Fred. Steele, Wyo.
Non-commissioned staff and band.	23	.....do.....	Do.
A.....	57	.....do.....	Camp Brown, Wyo.
B.....	55	.....do.....	Fort Fred. Steele, Wyo.
C.....	57	.....do.....	Camp Douglas, Utah.
D.....	58	.....do.....	Do.
E.....	55	.....do.....	Do.
F.....	53	.....do.....	Do.
G.....	56do.....	Fort Fred. Steele, Wyo.
H.....	59do.....	Camp Douglas, Utah.
I.....	59do.....	Do.
K.....	60do.....	Fort Fred. Steele, Wyo.
Total	592		

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Statement showing the organization of the Regular Army, &c.—Continued.

FOURTEENTH REGIMENT OF INFANTRY. •

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters		Oct. 31, 1873	Fort Laramie, Wyo.
Non-commissioned staff and band.	23	.....do	Do.
A	50	.....do	Do.
B	40	.....do	Do.
C	42	.....do	Do.
D	35	.....do	Fort Fetterman, Wyo.
E	42	.....do	Fort Sanders, Wyo.
F	58	.....do	Do.
G	52	.....do	Fort Fetterman, Wyo.
H	51	.....do	Fort Laramie, Wyo.
I	48	.....do	Sidney Barracks, Nebr.
K	40	.....do	Fort Laramie, Wyo.
	125		Recruits left Newport Barracks October 22, 1873.
Total	609		

FIFTEENTH REGIMENT OF INFANTRY.

Headquarters		Oct. 31, 1873	Fort Garland, Colo.
Non-commissioned staff and band.	15	.....do	Do.
A	49	.....do	Fort Wingate, N. Mex.
B	45	Aug. 31, 1873	Fort Tulerosa, N. Mex.
C	40	.....do	Fort Union, N. Mex.
D	40	Oct. 31, 1873	Fort Garland, Colo.
E	55	Aug. 31, 1873	Fort Bayard, N. Mex.
F	52	.....do	Fort Selden, N. Mex.
G	55	.....do	Fort Bayard, N. Mex.
H	48	.....do	Fort Craig, N. Mex.
I	55	.....do	Fort Stanton, N. Mex.
K	46	.....do	Fort Tulerosa, N. Mex.
	105		Recruits left Newport Barracks November 10, 1873.
Total	605		

SIXTEENTH REGIMENT OF INFANTRY.

Headquarters		Oct. 31, 1873	Nashville, Tenn.
Non-commissioned staff and band.	21	.....do	Do.
A	51	.....do	Lebanon, Ky.
B	51	.....do	Jackson, Miss.
C	56	.....do	Little Rock, Ark.
D	52	.....do	Humboldt, Tenn.
E	46	.....do	Lawson, Ky.
F	52	.....do	Nashville, Tenn.
G	54	.....do	Do.
H	45	.....do	Jackson, Miss.
I	57	.....do	Do.
K	53	.....do	Frankfort, Ky.
Total	538		

Statement showing the organization of the Regular Army, &c.—Continued.

SEVENTEENTH REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent	Date of report.	Station.
Headquarters.....	20	Oct. 31, 1873	Fort Abercrombie, Dak.
Non-commissioned staff and band.	do	do	Do.
A.....	55	do	Do.
B.....	46	do	Fort Wadsworth, Dak.
C.....	49	do	Do.
D.....	46	do	Camp Hancock, Edwinton, Dak.
E.....	51	Aug. 31, 1873	Grand River agency, Dak.
F.....	49	Oct. 31, 1873	Fort Abercrombie, Dak.
G.....	54	Aug. 31, 1873	Grand River agency, Dak.
H.....	50	Oct. 31, 1873	Fort Abraham Lincoln, Dak.
I.....	53	do	Big Cheyenne agency, Dak.
J.....	46	do	Do.
K.....	80	do	Recruits left Fort Columbus November 4, 1873.
Total	599		

EIGHTEENTH REGIMENT OF INFANTRY.

Headquarters.....	27	Oct. 31, 1873	Columbia, S. C.
Non-commissioned staff and band.	do	do	Do.
A.....	50	do	Atlanta, Ga.
B.....	50	do	Columbia, S. C.
C.....	43	do	Yorkville, S. C.
D.....	46	do	Columbia, S. C.
E.....	52	do	Atlanta, Ga.
F.....	41	do	Columbia, S. C.
G.....	44	do	Do.
H.....	52	do	Do.
I.....	53	do	Do.
K.....	51	do	Newberry, S. C.
Total	509		

NINETEENTH REGIMENT OF INFANTRY.

Headquarters.....	19	Oct. 31, 1873	Jackson Barracks, La.
Non-commissioned staff and band.	do	do	Do.
A.....	52	do	Baton Rouge, La.
B.....	48	do	Jackson Barracks, La.
C.....	43	do	Alexandria, La.
D.....	45	do	Do.
E.....	40	do	Jackson Barracks, La.
F.....	45	do	Do.
G.....	43	do	Greenwood, La.
H.....	50	do	Jackson Barracks, La.
I.....	41	do	Greenwood, La.
K.....	41	do	Baton Rouge, La.
Total	467		

Statement showing the organization of the Regular Army, &c.—Continued.

TWENTIETH REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Oct. 31, 1873	Fort Snelling, Minn.
Non-commissioned staff and band.	23	.....do.....	Do.
A.....	50	.....do.....	Fort Seward, Dak.
B.....	54	.....do.....	Fort Ripley, Minn.
C.....	56	.....do.....	Fort Snelling, Minn.
D.....	53	.....do.....	Fort Pembina, Dak.
E.....	50	.....do.....	Fort Totten, Dak.
F.....	52	.....do.....	Fort Pembina, Dak.
G.....	50	.....do.....	Fort Ripley, Minn.
H.....	52	.....do.....	Fort Snelling, Minn.
I.....	52	.....do.....	Fort Pembina, Dak.
K.....	54	.....do.....	Fort Totten, Dak.
	3	.....do.....	Unassigned recruits.
Total.....	549		

TWENTY-FIRST REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort Vancouver, Wash.
Non-commissioned staff and band.	20	.....do.....	Do.
A.....	54	.....do.....	Camp Harney, Oreg.
B.....	54	.....do.....	Fort Walla-Walla, Wash.
C.....	57	.....do.....	Fort Vancouver, Wash.
D.....	53	.....do.....	Camp Warner, Oreg.
E.....	57	.....do.....	Fort Colville, Wash.
F.....	55	.....do.....	Fort Klamath, Oreg.
G.....	59	.....do.....	Fort Lapwai, Idaho.
H.....	36	.....do.....	San Juan Island, Wash.
I.....	54	.....do.....	Fort Walla-Walla, Wash.
K.....	45	Oct. 31, 1873	Fort Boise, Idaho.
	3	.....do.....	Recruits left San Francisco, July, 1873.
Total.....	547		

TWENTY-SECOND REGIMENT OF INFANTRY.

Headquarters.....	.....	Oct. 31, 1873	Fort Sully, Dak.
Non-commissioned staff and band.	23	.....do.....	Do.
A.....	55	.....do.....	Do.
B.....	56	.....do.....	Fort Randall, Dak.
C.....	44	.....do.....	Lower Brulé agency.
D.....	47	.....do.....	Fort Randall, Dak.
E.....	55	.....do.....	Fort Sully, Dak.
F.....	47	.....do.....	Fort Randall, Dak.
G.....	53	.....do.....	Do.
H.....	46	.....do.....	Do.
I.....	59	.....do.....	Fort Sully, Dak.
K.....	52	.....do.....	Do.
	2	.....do.....	Unassigned recruits.
	67	.....do.....	Recruits left Fort Columbus, November 4, 1873.
Total.....	606		

Statement showing the organization of the Regular Army, &c.—Continued.

TWENTY-THIRD REGIMENT OF INFANTRY.

Companies, &c.	Enlisted men present and absent.	Date of report.	Station.
Headquarters.....	.....	Aug. 31, 1873	Fort Whipple, Ariz.
Non-commissioned staff and band.	18	.....do.....	Do.
A.....	59	.....do.....	Camp Verde, Ariz.
B.....	57	.....do.....	Fort Whipple, Ariz.
C.....	59	.....do.....	Camp McDowell, Ariz.
D.....	42	.....do.....	Camp Lowell, Ariz.
E.....	55	.....do.....	Do.
F.....	58	.....do.....	Camp Bowie, Ariz.
G.....	59	.....do.....	Fort Yuma, Cal.
H.....	53	.....do.....	Camp Grant, Ariz.
I.....	59	.....do.....	Camp Apache, Ariz.
K.....	56	.....do.....	Fort Whipple, Ariz.
Total	575		

TWENTY-FOURTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort Duncan, Tex.
Non-commissioned staff and band.	20	.....do.....	Do.
A.....	59	.....do.....	Ringgold Barracks, Tex.
B.....	59	.....do.....	Do.
C.....	55	.....do.....	Fort Brown, Tex.
D.....	57	.....do.....	Fort Duncan, Tex.
E.....	56	.....do.....	Fort Brown, Tex.
F.....	58	.....do.....	Fort McIntosh, Tex.
G.....	58	.....do.....	Fort Brown, Tex.
H.....	59	.....do.....	Do.
I.....	54	.....do.....	Do.
K.....	61	.....do.....	Ringgold Barracks, Tex.
Total	596		

TWENTY-FIFTH REGIMENT OF INFANTRY.

Headquarters.....	.....	Aug. 31, 1873	Fort Davis, Tex.
Non-commissioned staff and band.	21	.....do.....	Do.
A.....	54	.....do.....	Fort Clark, Tex.
B.....	58	.....do.....	Fort Quitman, Tex.
C.....	56	Oct. 31, 1873	Fort Sill, Ind. T.
D.....	59	Aug. 31, 1873	Fort Davis, Tex.
E.....	58	.....do.....	Do.
F.....	59	.....do.....	Fort Stockton, Tex.
G.....	59	.....do.....	Fort Davis, Tex.
H.....	57	.....do.....	Fort Bliss, Tex.
I.....	57	.....do.....	Fort Sill, Ind. T.
K.....	50	.....do.....	Fort Stockton, Tex.
Total	594		

ENGINEER BATTALION.

Headquarters.....	.....	Oct. 31, 1873	Willet's Point, New York Harbor.
Non-commissioned staff and band.	13	.....do.....	Do.
A.....	76	.....do.....	Do.
B.....	75	.....do.....	Do.
C.....	70	.....do.....	Do.
D.....	19	.....do.....	Do.
E.....	76	.....do.....	West Point, N. Y.
Total	329		

Statement showing the organization of the Regular Army, &c.—Continued.

Recruits, recruiting parties, general-service men, &c.	Enlisted men.	Date of report.
Available recruits at Fort Columbus, New York Harbor, general service and colored.	182	Nov. 10, 1873
Available recruits at Newport Barracks, Kentucky, general service and colored.	63	Nov. 10, 1873
Available recruits at Saint Louis Barracks, Missouri, mounted service.	232	Nov. 10, 1873
Available recruits at New York City, mounted service.	65	Nov. 10, 1873
Total	542	
Permanent and recruiting parties, music-boys, and recruits at depots not available for assignment.	891	Nov. 10, 1873
General-service men on duty in bureaus of the War Department, Army, division and department headquarters, &c.	481	Oct. 31, 1873
Ordnance Department	434	Oct. 31, 1873
West Point detachments	214	Oct. 31, 1873
Signal detachment	450	Oct. 31, 1873
Hospital stewards	391	Oct. 31, 1873
Ordnance sergeants	111	Oct. 31, 1873
Commissary sergeants	152	Oct. 31, 1873

NOTE.—The authorized strength (enlisted men) of the following-named organizations is as follows:

Engineer battalion	350	Artillery regiment	743	Cavalry regiment	1,001
Infantry regiment	593	Company of artillery	59	Cavalry company	83
Infantry company	59	Battery of artillery	94		

RECAPITULATION.

Regiment.	Number of men.	Regiment.	Number of men.
First Cavalry	954	Sixteenth Infantry	538
Second Cavalry	859	Seventeenth Infantry	599
Third Cavalry	863	Eighteenth Infantry	509
Fourth Cavalry	868	Nineteenth Infantry	467
Fifth Cavalry	995	Twentieth Infantry	549
Sixth Cavalry	837	Twenty-first Infantry	547
Seventh Cavalry	949	Twenty-second Infantry	606
Eighth Cavalry*	784	Twenty-third Infantry	575
Ninth Cavalry†	701	Twenty-fourth Infantry	596
Tenth Cavalry	800	Twenty-fifth Infantry	594
First Artillery	603	Engineer Battalion	329
Second Artillery	711	Permanent and recruiting parties, music-boys, and recruits not available for assignment.	691
Third Artillery	597	General-service men on duty in the bureaus of the War Department, Army, division and department headquarters, &c.	481
Fourth Artillery	674	Ordnance Department	434
Fifth Artillery§	608	West Point detachments	214
First Infantry	432	Signal detachment	450
Second Infantry	479	Hospital stewards**	391
Third Infantry||	481	Ordnance sergeants	111
Fourth Infantry	603	Available recruits at depots	542
Fifth Infantry¶	549	Commissary sergeants	152
Sixth Infantry	583		
Seventh Infantry	589		
Eighth Infantry	502		
Ninth Infantry	513		
Tenth Infantry	630		
Eleventh Infantry	490		
Twelfth Infantry	547		
Thirteenth Infantry	592		
Fourteenth Infantry	609		
Fifteenth Infantry	605		
		Total	39,523
		Total October 31, 1873	39,505
		Gain	18

* Two hundred and twenty recruits ordered October 29, 1873.

† All disposable recruits ordered September 16, 1873.

‡ Thirty recruits ordered to Battery K, October 7, 1873.

§ Twenty-five recruits ordered to Company E, November 15, 1873.

|| One hundred and twenty-five recruits ordered November 17, 1873.

¶ Seventy-five recruits ordered November 17, 1873.

** Not included in the 30,000 authorized by law.

Statement showing the actual strength of the United States Army by latest returns received.

Regiment.	Number of men.	Date of return.	Regiment.	Number of men.	Date of return.
		1873.			1873.
First Cavalry	843	Nov. 30	Thirteenth Infantry	594	Dec. 31
Second Cavalry	1,008	Dec. 31	Fourteenth Infantry	609	Dec. 31
Third Cavalry	830	Dec. 31	Fifteenth Infantry	611	Dec. 31
Fourth Cavalry	766	Dec. 31	Sixteenth Infantry	555	Dec. 31
Fifth Cavalry	892	Nov. 30	Seventeenth Infantry	593	Nov. 30
Sixth Cavalry	1,008	Dec. 31	Eighteenth Infantry	519	Dec. 31
Seventh Cavalry	958	Nov. 30	Nineteenth Infantry	600	Dec. 31
Eighth Cavalry	909	Dec. 31	Twentieth Infantry	557	Dec. 31
Ninth Cavalry	676	Oct. 31	Twenty-first Infantry	541	Oct. 31
Tenth Cavalry	788	Oct. 31	Twenty-second Infantry	608	Dec. 31
First Artillery	630	Dec. 31	Twenty-third Infantry	566	Oct. 31
Second Artillery	684	Dec. 31	Twenty-fourth Infantry	602	Nov. 30
Third Artillery	621	Dec. 31	Twenty-fifth Infantry	578	Dec. 31
Fourth Artillery	630	Nov. 30	Engineer Battalion	356	Dec. 31
Fifth Artillery	590	Oct. 31	Permanent and recruiting parties, recruits at depots, &c.	1,319	Dec. 31
First Infantry	497	Dec. 31	General-service men	484	Dec. 31
Second Infantry	476	Dec. 31	Ordnance Department	442	Dec. 31
Third Infantry	619	Dec. 31	West Point detachments	237	Dec. 31
Fourth Infantry	582	Dec. 31	Signal detachment	453	Dec. 31
Fifth Infantry	651	Dec. 31	Hospital stewards*	389	Dec. 31
Sixth Infantry	576	Nov. 30	Ordnance sergeants*	114	Dec. 31
Seventh Infantry	594	Dec. 31	Commissary sergeants*	150	Dec. 31
Eighth Infantry	617	Dec. 31			
Ninth Infantry	601	Dec. 31			
Tenth Infantry	588	Nov. 30			
Eleventh Infantry	496	Dec. 31			
Twelfth Infantry	535	Dec. 31			
			Total	30,142	

NOTE.—The Army is now actually below the authorized standard.

* Not included in the 30,000 authorized by law.

E. D. TOWNSEND, *Adjutant-General*.

ADJUTANT-GENERAL'S OFFICE, WASHINGTON, March 4, 1874.

WASHINGTON, D. C., *March 3, 1874.*

EDWARD C. KEMBLE appeared before the committee, in response to its invitation, and was examined as follows :

By the CHAIRMAN :

Question. Please state your name, residence, and recent official connection with the Indian Department.

Answer. Edward C. Kemble ; at present inspector of Indian affairs ; my present residence is in Orange, N. J.

Question. State whether you have recently been on the Pacific coast among the Indian tribes ; and if so, how recently ?

Answer. In August, September, and October last, I traveled among the Indians in Washington Territory, and in Oregon as far north as Fort Colville, on the Upper Columbia. I visited in East Washington Territory, and in Idaho, the Nez Percés, the Spokanes, the Cœur d'Alenes, the Pend d'Oreilles, the Kootenays, the Colvilles, and some other small tribes, the names of which I cannot now recall.

Question. Did you have a military escort ?

Answer. No, sir ; I traveled with one Indian as a guide, and only as a guide. I should not have felt it necessary to have him for purposes of self-protection.

Question. Did you find the Indians well-disposed toward the whites ?

Answer. I found them thoroughly well-disposed wherever I traveled.

Question. Is there any apprehension in the minds of the people of that country of hostilities on the part of the Indians ?

Answer. There was not at the time I was there.

Question. State whether you passed any military posts or stations ; and if so, where ?

Answer. I passed a station or military post at Walla-Walla, a five-company post, I think. I will not be sure as to that, but it had been increased about the time of my arrival. I was also at the post at Fort Colville. I think there is one company there, or may be one and one-half.

Question. You say the number of companies at Walla-Walla was increased. State by what means you learned that that force was increased.

Answer. I had been informed by officers of the Army that troops were ordered there and were on their way.

Question. State by what means the citizens procured the location of troops there.

Answer. I cannot state positively the means which were used, but the common impression was, and the conviction which was forced upon my mind was, that representations had been made to the Department that additional troops were necessary.

Question. Who had made these representations ?

Answer. I understood it to be the citizens of that region.

Question. Do you know the nature of the petition and the representations that were made, or the persons who were said to have signed them ?

Answer. I do not.

Question. State whether you saw troops at any other place ?

Answer. I saw troops, as I have said, at Walla-Walla, at Fort Colville, and subsequently in California, at Hoopah Valley. Application, I believe, had previously been made for troops at Wallowa Valley, East Oregon.

Question. What was the nature of the application for troops at Wallowa Valley?

Answer. It was stated to be in the form of a petition purporting to be signed by all the citizens of that region, that, on account of the conduct of Joseph's band of Nez Percés, it was feared they intended to give trouble, and the petition urged on the superintendent of Indian affairs to lose no time in causing troops to be sent there. The superintendent stated that he did not conceive that there was any necessity for the troops, and, therefore, did not order them. I afterward learned that the petitions were made up and signed by a greater number of persons than lived in the region inhabited by those Indians. They were probably signed by persons outside.

Question. What is your information as to the real cause of getting troops there?

Answer. From what I have heard—I cannot say from what I have seen, because my observation has not been carried into particulars, respecting the motives—from what I have heard from reliable parties, I should judge that the object in getting troops sent to both stations, which I have mentioned, Fort Colville and Walla Walla, was chiefly to create a market for supplies for those in the vicinity, and to bring business there.

Question. From what you have seen in that region, can these troops be withdrawn with safety, either to the whites or the Indians?

Answer. I think the garrison at Fort Colville may be withdrawn with perfect safety, and I should think the force at Walla-Walla could be much reduced, if not entirely withdrawn.

Question. Do you know anything personally, or by representation, of alarms being given to the settlers in order to prevent the removal of troops, or to secure the stationing of more troops in that country?

Answer. I do know by report that alarms have been created in Round Valley and in the Spokane country, at both places with the object of causing troops to be sent there, not for the protection of the settlers, but that the settlers might have the benefit of a market such as a garrison would bring. I also know that on a reservation in Oregon, where the Siletz Indians and Alsea Indians are located, very vigorous efforts were made last spring to cause troops to be sent there and great alarms were occasioned.

Question. Do you know or have you been informed by whom these alarms were created, whether by the whites or Indians?

Answer. I have been informed that they are created by white men.

Question. What was reported to have been the nature of the alarm?

Answer. In the Spokane country the alarm, I was informed, grew out of some movement of the Smohallah Indians; but I was informed, by what I deemed to be reliable authority, when I was in that region, that it was really for the object of getting troops there. At the Siletz reservation there appeared to have been the grossest fabrication of reports of Indian difficulties. The Indians were thoroughly well-disposed, but alarms were created every day or two by cowardly or designing white men. On one occasion a white man rode through the settlement at the dead of night, awakening the settlers and calling on them to fly for their lives, as the Indians were upon them, while the Indians were at that time, to my knowledge, peaceable, and even asking the agent to protect them against the white men, who they believed meditated some depredations on them at their reservation. There were no hostile Indians, or Indians who would have given any trouble, near the settlement. I believe the parties who were endeavoring to create the panic

there were actuated by motives of speculation. They wanted troops, and the same men are now petitioning Congress to remove these Indians, their main object being to get possession of their lands. At the Hoopah Valley reservation I was informed, by the officer in command of the garrison, that the troops were not needed there for the protection of the agency.

Question. Is it necessary to have these troops to protect Indians from the inroads of the whites?

Answer. They are never so used, I think; and I do not think that they are necessary. My experience shows me that the presence of troops near peaceful Indians is one of the worst evils which can befall the Indians. I mean when they are so near them as to have intercourse with them.

Question. What seems to be the effect on the Indians of the presence of troops?

Answer. The troops carry demoralization and disease among them. The Indian women in Hoopah Valley were in a worse condition than any Indian women on the coast whom I had met with, on account of the troops now stationed among them. While the male Indians themselves could keep from liquor, even when it was sold in their midst, and seemed desirous of having it removed from among them, they could not keep the soldiers away from their women or prevent the licentiousness and disease which they were spreading. Venereal diseases are common in every Indian tribe which has come in contact with white men.

Question. Do these Indians remain on their reservations without trouble?

Answer. The Hoopah Valley Indians do pretty generally. The Indians generally would remain more on their reservations if they could subsist themselves. They go out from necessity from nearly all the reservations.

Question. Are they adopting the habits of civilized life?

Answer. They are to a very great extent.

Question. In what way?

Answer. They dress like white men; they ask to be shown how to cultivate the land; they ask for separate allotments of land, for little farms, for seed and for implements with which to carry on husbandry, and in some tribes they go even further. I have been in houses in the Indian country where I could get a better meal than I could among their white neighbors.

Question. What have you to say as to the fairness with which they are treated, as to their supplies from the Government under the present system?

Answer. So far as I have seen, I think the management of the Indians has been very much improved within the last few years. I was familiar with the working of the system under the old Indian policy many years ago on the Pacific coast, having gone there as early as 1846, and, from what I have seen in the last six months, I think there has been a great improvement in the method of distributing supplies and conducting the affairs of the agencies.

Question. Have these Indians been furnished with supplies?

Answer. Yes. They get their annuity goods; and at two or three agencies they are rationed, or partially rationed. This is done at the Tule River reservation and the Hoopah Valley reservation.

Question. Do they get a considerable amount of goods?

Answer. No, sir; the amount of goods is very small, and the Indians at almost all of the reservations express the desire to have these goods

exchanged for implements of husbandry, such as they could use, and for harness.

Question. What is the character of the goods which the Government furnishes them?

Answer. Blankets, calico, boots or shoes, hats, shirts, and, at some agencies, tobacco; rice, sugar, and tea to the sick, and sometimes coffee. These are the usual supplies. The Indians on the regular "feeding-list" have their rations of flour, beef, bacon, &c.

Question. Are these Indians armed?

Answer. Yes, sir; they are generally armed.

Question. What with?

Answer. They are armed with rifles and fowling-pieces; some of them own very good guns.

Question. State whether the whites travel with impunity among them in mining, hunting, fishing, &c.

Answer. They travel with perfect impunity. Perhaps the best illustration I can give you of the disposition of these Indians is an incident which occurred while I was among the Warm Spring Indians in Oregon. These Indians are brave men, and have distinguished themselves in three campaigns under our flag, two against the Snake Indians and this last one against the Modocs. A few years ago their principal means of subsistence, their fishery, was taken from them through a wrong committed by the agent. They had taken fish there for generations, and they actually require this article of food even when they raise wheat and vegetables. They go down every year near the Columbia River, where their old fishery was, and if they bring their ponies about the old ground the two or three white men living there go out and drive them away and, if the Indians interfere, the white men beat them with clubs. The Indians have as yet made no resistance to them. Now, these Indians are certainly a very manly, brave, and a war-like people, but they suffer these things rather than turn their hands against the white men. The last thing that occurred on my leaving the Warm Spring reservation was a visit from a deputation of these Indians who came to me to ask if I would not make a letter to the chief of those white men at the fishery, asking him to desist from treating them the way I have mentioned. They said that he had driven them away with clubs whenever they had gone near the place; that they did not want to do any harm to him or his race, but that they wanted to catch fish where their fathers and forefathers before them had taken them, and that they would not give up that right. That is the spirit which I think actuates most of the Indians in Washington and Oregon. They would suffer injury, even to being beaten with clubs, rather than go to war against the whites. They put up with many indignities at the hands of cowardly white men throughout that region.

Question. Do they make any complaints as to the failure of supplies by the Government?

Answer. They complain a good deal. They complain that the Government has not kept its promises with them in the way of supplies and annuities. In fact it is the general burden of their conversation with you wherever you go, that they have been promised many things which they have not received in the shape of lands, supplies, and assistance.

Question. Are they able to gain a decent subsistence from their fishing and hunting and from the supplies which the Government furnishes?

Answer. They are not at present. As a general thing they require to be taught how to work—how to hold the plow. They require first,

wherever it is practicable, that their land should be set apart for them in 10, 20, or 50 acre tracts to each member of a family, and they require wagons and harness, plows, and other agricultural implements, and seed. They also require to be shown how to plant and to build and live. That kind of instruction is, I think, adapted to the condition of the Indians at every reservation which I have visited. At some reservations they are able to do very well for themselves. There are two or three reservations in Oregon and Washington Territory where the Indians will be, I think, in two or three years, entirely self-supporting under the present system.

Question. Do they manufacture articles, raise farm and garden produce, or catch fish enough so as to have anything to sell?

Answer. The working Indians in Washington Territory are generally loggers. They are the most expert loggers in that region. I think that in most cases they are admitted by our own people to excel as choppers. They cannot manage ox-teams, but as choppers and in the work of a logging camp they get good wages wherever they are employed. They work on reservations, and do very well. They do not generally take fish to sell, but they catch and cure fish for their own use. There is nothing of much value that they manufacture to sell. They raise very good crops of grain in several places in Oregon, and they had a surplus to sell at two or three agencies that I visited.

Question. Are they improving their roads?

Answer. Yes, sir; they work very well. I think that we entirely misunderstand the Indian character as regards the habits of industry. They are quite as ready when inducements offer to go to work and to work hard as most white men. Certainly they are in the region I have visited. In the Siletz and Alsea country, for example, from which certain white men are asking that the Indians should be removed, the Indians have made most of the roads. Indeed, I was assured the roads could not have been made at all without their aid.

Question. Do you know any instance in which white men have objected to or opposed the making of roads through that country, or any part of it?

Answer. Yes, sir; I was informed that the packers between Arcada, near Humboldt Bay, and Hoopah Valley decidedly objected to a military road being built across the mountains, where they now have their pack-trails.

Question. For what reason?

Answer. I was informed that it was for the purpose of enabling them to keep up the rates which they were receiving on goods freighted over the mountains.

Question. What were said to be these rates?

Answer. I was informed that three cents a pound was the rate at which they carried goods from Arcada to Hoopah Valley, forty miles.

Question. Could a road have been made there easily?

Answer. I think not easily from what I have heard of the country. It is a rugged and mountainous tract, but a road is very necessary, and I was told it was contemplated by the general commanding the department to build one.

Question. Do you understand, then, that the settlers opposed the making of that road?

Answer. The packers did on account of the profits they were making in transporting goods on the present trails.

Question. Was the road ever made?

Answer. No, sir, it was not; I was told that the opposition was so vigorous that the general desisted from the plan.



WASHINGTON, D. C., *March 14, 1874.*

General J. J. REYNOLDS appeared before the committee, and, on being interrogated by the committee, made the following statement:

By the CHAIRMAN:

Question. Please state your name and present command.

Answer. J. J. Reynolds, colonel Third Cavalry; commanding at present at Fort D. A. Russell, Wyo., and just now a member of the Howard court of inquiry in Washington City.

Question. How recently have you been in that region where your command is?

Answer. I have only been at Fort D. A. Russell since about the 1st of February; I was in Nebraska for two years before that, at Fort McPherson, and previous to that in Texas, since the war.

Question. State the condition of the Indians in the neighborhood of your present command as to hostility or friendliness toward the whites.

Answer. The Indians within the range of my station for the last two years—Fort McPherson and thereabouts—are what is known as the cut-off bands of the Sioux tribes. They have not generally evinced much disposition to be hostile. We have, however, continuously patrolled the country between the Republican River and the Niobrara, on both sides of the Union Pacific Railroad, and north and south from the Platte Rivers; this as a precautionary measure. We have met the Indians very often. These remarks apply to the cut-off bands proper. We have had several raids of Indians from the country further north. I believe all of these raiding parties were Minneconjou Sioux. These Minneconjou Sioux, as I understand from other Sioux, have never been on a reservation to stay, and refuse to go. These raids were for the purpose of stealing stock. They drove off some horses from McPherson station, five or six miles from Fort McPherson, in the spring of 1872. We pursued them and killed two or three, and then took up the trail and followed them for about fifty days, tracing them up beyond Fort Randall, and satisfying ourselves that this party was composed of Minneconjou Sioux. The subsequent raids of the same kind, of which there have been several, were believed to be by the same Indians.

Question. What are the numbers of this tribe?

Answer. The Minneconjous—I don't know, sir; I have no means whatever of ascertaining.

Question. Are they armed?

Answer. Yes, they are armed in various ways; sometimes they have fire-arms, and a portion of them bows and arrows.

Question. Are they in sufficient numbers to lead to the apprehension of a war of any extent?

Answer. No, sir; not those that come down in the neighborhood where I have been, but they cause as much consternation as if there were ten times the number.

Question. Has any expedition been recently fitted out to travel through any part of the Sioux reservation; if so, what expedition and how much force?

Answer. Yes, sir. Just before I left Fort D. A. Russell, in accordance

with news from the department commander, General Ord, I organized two expeditions to go from Fort Russell to Fort Laramie, there to report to General Smith, and by him to be conducted on to the Sioux reservation. One expedition was to go to each agency—Red Cloud and Spotted Tail. The whole force, including both agencies, consisted of six companies of cavalry and eight of infantry; it was divided into two parts, about equal for each agency.

Question. Was the object of that force to attack the Indians, or to prevent hostilities, or what was the object?

Answer. Well, the object of the expedition was not explained to me. My instructions were to fit it out, and the only information imparted to me was in general terms to the effect that the troops were to occupy for the present those two agencies. I understood, further, that a force had been asked for by the Indian agent to protect the agencies. This I understood from conversations with General Ord and General Sheridan. The recent deprecations there were the killing of Lieutenant Robinson and a corporal whose name I have forgotten—Carpenter, I think.

Question. Who was that done by?

Answer. Well, it was done by Indians; by what Indians I don't know precisely. I understand that the reservation Indians charge the murders upon these same Minneconjou Sioux, referred to in the first part of my testimony. What the fact of the matter is I do not know.

Question. Do you think the military forces in the region that you have been stationed in is sufficient to protect the white settlers?

Answer. So far as I have been able to observe, I think it is.

Question. As to the posts, could the number of posts be reduced and the posts consolidated with advantage either to the whites or to the Indians?

Answer. Yes, sir; I am decidedly of the opinion—I speak now of Nebraska, because I was there longer—that the three stations of McPherson, North Platte, and Sidney could be combined into one with great benefit to the efficiency and economy of the service. This subject, however, I have fully discussed in a paper submitted to the department commander in the latter part of 1872.

By Mr. GUNCKEL:

Question. Are there any others?

Answer. With regard to the posts in Wyoming Territory, I am not sufficiently familiar with them to suggest any changes in the military stations. The Indian agencies in the Sioux reservation, it seems to me, are very badly located, because their present location involves a heavy expenditure in transporting supplies from the Missouri River or the Union Pacific Railroad to those stations, which would be saved if the agencies were on the river or on the railroad.

Question. Please to state as to Texas, so far as you are informed, whether the posts are more than sufficient in number, and whether the military force there is or is not sufficient.

Answer. The posts in Texas, I think, are well located; in fact, quite a number of them between the Red and the Rio Grande Rivers were located at my suggestion, based on a thorough inspection of the country by a competent board of officers in the fall of 1867. Their locations I consider the best that can, under the circumstances, be chosen for them.

Question. And you would not reduce their number at present?

Answer. No, sir. After a railroad is built through that country it would be economy, clearly, to have the posts nearest to it gradually moved on to it, for the sake of saving transportation; but at the present time

the location is the best that can be made. The force in that part of the country, I think, is not more than is required to give the country measurable protection; perfect protection would require a much larger force than we have ever had there.

Question. What do you mean by perfect protection?

Answer. Perfect immunity from Indian raids on the frontier counties.

Question. Is the danger from the Indians alone?

Answer. No, sir; it is a very large territory, sparsely peopled, and the danger is from Indians, Mexicans and outlaws generally. On the Rio Grande frontier the trouble is from the Indians and Mexicans. From the Rio Grande to the Red River, the western frontier, the trouble is from Indians principally; these Indians come principally from the reservation north of the Red River, of which abundant evidence was forwarded by myself while in command there, and is now perfectly known to everybody who is at all familiar with that part of the country. The troubles on the Rio Grande frontier were for a long time attributed to a small portion of the tribe of Kickapoos who lived in Mexico, and who were prevented from rejoining the remainder of their tribe on the reservation in Kansas by the influence of the Mexican officials. Of this fact positive evidence was forwarded to the Department by myself while I was in command there, and I advocated the removal of those Indians to their old homes, to do away with that pretence of troubles on the part of the Mexicans, and I think the removal has been pretty much accomplished within the last two years, or is in process now of being accomplished. The greatest need in that part of the country—that is, from the Red River to the Rio Grande along that frontier, and out to El Paso, and also along the Rio Grande frontier down as far as Brownsville—the greatest want there is a line of telegraph to connect those frontier posts with each other, and with some central point, say, the department headquarters at San Antonio.

Question. Is that the military telegraph that an appropriation was asked for?

Answer. It is the thing that I advocated three or four years ago.

Question. Have you ever estimated the cost of that telegraph?

Answer. I made an estimate in, I think, 1868, for the cost of the wire, which was all I asked. If the wire could have been furnished me we would have built the line with our troops and would have procured operators from our men, and would have asked for nothing else, until some of these days some private company would want it and would take it off the hands of the Government, re-imbursing them for the expense.

Question. You would have operated it, then, through the Army?

Answer. Oh, yes, sir. We would have transacted civil business too, just to accommodate the people.

Question. Are there men sufficiently skilled, in the Army, to act as telegraph operators?

Answer. Yes, sir; a few of them; we can find them here and there, and where they are not already supplied they can be very soon taught. At Fort McPherson I had several men on purpose practiced in telegraphing, so that in case my operator was absent I had somebody to use. This can be done at any posts garrisoned with white troops. At stations where we had colored troops, of course we would have supplied operators from other companies.

Question. Do you think that could be done yet?

Answer. Unquestionably.

Question. That is, the Army could put up the telegraph by being furnished the wire?

Answer. I have not the least doubt of it.

Question. Without any very great expense?

Answer. The expense would be very slight. We would want a few skilled workman in that line to direct our men.

Question. Have you ever estimated the expense of the entire line?

Answer. I did at that time, but I have forgotten the figures; my impression is that, according to our estimate of the expense, about \$30,000 would have done the whole.

Question. For how many miles, about?

Answer. It must be—I am thinking of the western line—I think between four and five hundred.

Question. What have you to say as to the cause, ordinarily, of Indian difficulties?

Answer. Well, my experience is that a majority of them originate in the acts of white men. From this remark, however, I exclude the predatory incursions on the Rio Grande frontier, which were solely for the purpose of stealing cattle, and I also exclude the systematic and periodical raids into Texas from the reservation north of the Red River. Those were made without any provocation whatever.

Question. What do they seek for, food?

Answer. No, sir; to steal cattle; and if any person is in their way, of course they will murder him.

Question. Are they in want?

Answer. O, no; pure deviltry.

Question. Explain a little more fully how those difficulties arise.

Answer. Those that I have traced, I think in the majority of cases, are traceable to bad acts of some white men. That refers to the Indians that are supposed to be on reservations and peaceable.

By Mr. HAWLEY, of Connecticut:

Question. Would the Indians be apt to interfere with this telegraph, so as to make it of little value?

Answer. I think not; my experience for the last two years in Nebraska and Wyoming, among the Indians, is that they have never broken a telegraph once, nor the railroad. They don't seem inclined to break a telegraph wire; whether it is superstition or not I don't know, but such is the fact—it is the universal experience. And even if it were broken—I refer now more particularly to the Texas frontier telegraph—it would be warning that the troops should move to see what was the trouble. In regard to the telegraph line along the Texas frontier, if the feeling of the people there now is what it was something more than two years ago when I left there, they would gladly co operate to protect the telegraph line, and probably even to build it.

By the CHAIRMAN:

Question. In view of a reduction of the Army, would you deem it advisable to reduce it merely in men or in men and organizations and officers?

Answer. If the reduction has to be made, it had better affect organizations and all, though I would have the reduction affect the commissioned part gradually, and not have them displaced immediately. You would cause, otherwise, a great deal of hardship.

Question. What plan would you suggest?

Answer. If you fix the number of the Army to be so many enlisted men, that will leave you, of course, a certain number of surplus commissioned officers. Now, provide that those commissioned officers shall

be absorbed as vacancies occur, and not discharged immediately unless in case of those who prefer it.

Question. There was a system of putting officers out of the service by a board of officers that were unfit to properly discharge their duties. Do you think a system of that kind would work harshly?

Answer. A worse system could not be devised, in my judgment.

Question. State your reasons.

Answer. Principally because it does not do what it is expected to do; that is to say, it does not confine the discharges to persons unfit for service in all cases; and as a proof of that you will find, since the last board we had discharged people that way, there have been as many trials by courts, I think, as there ever were in the Army in the same length of time, showing that the men the law aimed to strike are not brought before the board. In some cases known to me the operation of the board was oppressive in the extreme; but as a general rule, and in a great majority of cases, the officers that the late board eliminated from the Army list were good riddances.

Question. Would or would you not advise against that?

Answer. I advise against that. If a thing of that kind is thought advisable, however, let the board be composed of persons wholly disconnected with the Army.

Question. Would you say civilians?

Answer. I don't care who it is, but let them be disconnected with the Army.

Question. In case the work of consolidation goes on, can the grade of regimental adjutant and quartermaster be dispensed with, or are those officers absolutely necessary?

Answer. I don't regard them absolutely necessary at all; it is rather convenient to have them, but if reduction must take place they can be dispensed with.

By Mr. HAWLEY, of Connecticut:

Question. Detail lieutenants to do the duty?

Answer. Yes, sir; I would not have those appointments permanent at all, in time of peace especially.

By the CHAIRMAN:

Question. Now, as to the majors of cavalry and artillery; there are three at present in those regiments. Are they all necessary, or could two in each be dispensed with? In other words, are more majors needed in artillery and cavalry than in infantry?

Answer. I think there are not any more needed; they may be very well, but if reduction must take place it can come there as well as anywhere.

Question. Your cavalry regiments are composed of twelve companies?

Answer. Yes, sir.

By the CHAIRMAN:

Question. In dividing up, is it at all necessary to have a field-officer? Could not the senior-captain do just as well?

Answer. It is better to have a field-officer. If you have a field-officer to each four companies it would be enough.

Question. You think you could dispense with one major in each regiment?

Answer. Yes, sir; I would not dispense with more than that, and this is upon the assumption that a reduction must be made; I want it to

strike where it will do the least harm. I would not favor these reductions at all as an abstract thing, but if reductions must take place I would have them made where they will do the least harm.

Question. As to the staff, can the number of permanent officers in a staff be reduced, and a part of the staff just as well be filled by officers detailed from the line?

Answer. I think so.

Question. Please state your reasons.

Answer. If you leave out the Medical Corps, the Corps of Engineers, the Ordnance, and Bureau of Military Justice, there is no department of the staff requiring any special and prolonged training to discharge its duties.

Question. Please state the effect of such a system upon officers of the line, as well as upon the officers of the staff.

Answer. The duties of the other staff corps, after those I have named, can be performed by any officer who is competent to hold a commission in the Army. The alternation from duty with troops to staff-duty, from time to time, would be beneficial to the officers of the Army, without, I conceive, being in the least detrimental to the staff-departments.

Question. Would it be of any considerable advantage to the line-officers themselves?

Answer. I think it would.

Question. How long a period of duty would you detail these officers for?

Answer. I would say four years on any one detail; not longer than that.

Question. Would you let these details run into the higher branches of the staff, or into the lower grades?

Answer. There is no reason why it should not run throughout the department-staff corps. It may require a few surplus officers, but I would have them attached to regiments, and I would have promotions in the staff-corps, if it exists at all, confined to a very few men.

Question. How large a permanent staff would you have, in proportion to the present staff? How largely would you reduce the permanent members of the staff?

Answer. You would want one officer here at the head of each staff-department in Washington, whose rank should not be higher than colonel, at the highest. The precise number of officers required here I do not know; you would want one at the head of each branch, and the General of the Army, I suppose, would want one adjutant besides his aids, and at each department-headquarters you may have one officer for each branch of the staff. Beyond this the permanent officers in the staff-corps should not go, in my judgment; and I doubt the propriety of extending it that far, in fact. My idea of a general officer is that there should be but one way by which a man ever can attain the rank of a general officer, and that is that he must gain it by work in the field with the men, with the troops. The idea of having a brigadier-general here at the head of each staff-department, who has not won his position by service in the field, is not the thing. My view is that it should be impossible for a man to attain the rank of general officer except by service with the Army proper, which consists of armed organizations.

Question. Could a system be adopted by which the duties of staff-officers could be alternated in the field and in the War Department, at Washington, to advantage?

Answer. I think so; that is the very thing that I want to see done.

Question. State your reasons for that.

Answer. The reason I have already given, that it would be a great

benefit to the Army, and no detriment, I think, to the staff-corps. There is nothing in these departments that cannot be done by any officer who is competent to hold a commission. Lieutenant-colonel should be the highest grade in the departments, and the officers of the Army should be so arranged that promotion should take place regimentally and not in the staff. Exception to this rule might be made to a limited extent, but very limited.

Question. Why would you have promotion go on and be obtained in the line instead of the staff?

Answer. Because the attainment of high rank in the Army should be possible only by service with the troops; and I would have an officer's service during his whole life, if possible, principally with the troops.

Question. Do you hold it to be preferable to have the rewards of merit in the Army given to those who serve with the troops, or those who are cut off from the troops in mere staff positions?

Answer. Decidedly to those who serve with the troops. The service will also, of course, include officers on staff duty with the troops in the field.

Question. Please state how you would obtain a sufficient supply of officers to fill these various grades in the staff.

Answer. You would simply want to attach to the regiments a number over and above those required for regimental duty equal to the number required for staff-duty.

Question. In the Medical Department, do you prefer surgeons of the Army to contract surgeons?

Answer. In my experience in the Army I have served with a great many of both classes of medical officers, and I have had no fault to find with either class. The advantage, as I understand that question, of regular commissioned medical officers is that by law they are required to be subjected to a thorough examination before receiving their commissions, and this gives us, in out-of-the-way places, where competent civilians could not be employed, reliable medical men.

Question. Can you say whether or not, if the Army was reduced to 25,000 men, the present number of officers, (forty-four,) besides the deputy and assistant paymasters, could pay the Army every two months?

Answer. I think they could if the present system is to be continued.

Question. How are they paid now?

Answer. They profess to average a payment every two months, and they come pretty near doing it.

Question. Are the paymasters busy all the time paying?

Answer. No, sir.

Question. How long does it take them to get through their various payments?

Answer. A paymaster has a certain place known as his station, and about each muster-day, every two months, he receives an order from the department-commander to go and pay troops at certain posts; he performs this journey, makes this round of payments, and returns to his station until the next order for him to do the same thing, and so on.

Question. Why can he not go on paying through the most of this period of two months, and pay, at intervals of two months, each command?

Answer. I don't know but that might be done.

Question. How long does it usually take them to make the round of their posts?

Answer. That varies so much with their locality that I could not give any definite answer to it. It depends altogether upon the facility

of traveling where they happen to be. For instance, in Texas, some of the routes there are very long and it takes almost two months to make a round trip, whereas in Nebraska and Wyoming they can do this in a week or two.

Question. Would they then have the balance of the two months to stay at home in their quarters?

Answer. Yes, sir.

Question. Could the present system of paying the Army be changed, so that the number of paymasters could be largely reduced and a part of the paying to the troops personally be made by some officer at the post?

Answer. I think it could. I see no reason why it could not be. After muster-day, which takes place every two months, we promise our men their pay, and all it requires is for some responsible party to go and get the money and disburse it, or have it sent to him, and after receiving it disburse it and take receipts on the rolls, make his returns, and the payment is made. Now, one paymaster at department headquarters, who is always kept in funds, can distribute money to officers sent from posts for it just as well as to send a paymaster out from department headquarters to pay.

Question. Could the troops be paid by a system of drafts on the United States Treasury, after the manner of paying pensions? They are mailed. If the pay-rolls were made out and forwarded to the paymaster, could not that be done?

By Mr. GUNCKEL:

Question. With the provision added that in remote and inaccessible points a paymaster should carry the money?

Answer. I don't see anything to make that system impracticable at all. The commissioned officers in point of fact nearly always draw their pay by checks from the paymaster.

By the CHAIRMAN:

Question. State whether there would be any difficulty in getting these drafts cashed at any ordinary posts on the railroad?

Answer. I think there might be some difficulty at some remote posts, but I think at most posts, especially those near the railroad, they could be cashed.

Question. How do you find the railroad and express companies in that respect; do they do something of a banking business on the frontier; do they accommodate the people with exchange?

Answer. I don't know a great deal about them in that respect, but so far as I know they are perfectly reliable as transporters of anything.

Question. I am asking now about whether they would not take up these drafts and give money?

Answer. At the railroad offices, do you mean?

Question. Yes. How do you get your pay?

Answer. I send my pay account to the paymaster. I get checks for different sums as I want to use the money.

Question. Do you find any difficulty in getting them cashed?

Answer. None at all. I get them cashed at the nearest town or by the post-trader.

Question. Do you think the post-traders would impose on the soldiers in cashing those drafts?

Answer. Yes, sir; I think they would. That would have to be regulated by law or order.

Question. Are the post-traders usually supplied sufficiently with money ?

Answer. That depends on the posts, but I suppose they are. It would come to be an object for them to get the drafts as a good means of making their remittances to the East, where they buy their supplies.

By Mr. GUNCKEL :

Question. Where have you and the other officers been receiving these checks or drafts ?

Answer. For the last few years I have received mine in Nebraska and Wyoming.

Question. And had them cashed by post-traders ?

Answer. Yes, sir, if I desired it.

Question. Did you ever have any discount ?

Answer. No, sir ; they would not think of such a thing.

Question. Were they glad to get them because they were a means of transmitting money ?

Answer. Yes, sir. They would not think of discounting a Government check.

By the CHAIRMAN :

Question. Can any improvement be made in the method of purchasing supplies for the Army, the present one being by advertisement and public bidding ?

Answer. As a general rule I think the present system is best in the long run—the most economical for the Government. Cases do arise occasionally, however, where for small amounts of supplies it would be better to purchase in open market, but as a rule I think the contract system is the best. Most of the posts are so located that it is impossible to get their supplies in the immediate vicinity of the posts, so that purchases for a considerable time ahead must be made by somebody where the supplies can be had. The practice of the Government, however, is to purchase supplies from persons who have them to spare in the vicinity of the posts, and the advertisements now always invite such parties to propose for what they can furnish.

By Mr. GUNCKEL :

Question. Looking to our whole war establishment, could there be a reduction of the expense without injuriously affecting either the character or the efficiency of the Army ?

Answer. Yes, sir. A great deal of money may be saved by discontinuing the transfer of regiments from one part of the country to another. In such movements, which should be made every few years for sanitary purposes, I would transfer only the permanent part of the regiments ; that is, the commissioned and a few of the non-commissioned officers.

Question. If our war establishment is too expensive, where is it too expensive, and how can it be reduced ?

Answer. There is no other way than that you propose. The only thing which you can cut off at once would be the enlisted men. You would do that by stopping enlistment ; and an analogous treatment for the officers would be gradual reduction, and diminish the rank and pay in the staff departments.

By the CHAIRMAN :

Question. State what you think of the present management of the Indians and of the peace policy of the Government under the Department of the Interior.

Answer. I think the most efficient management of the Indians possible would be secured by having their management confided to the War Department, because if any misunderstanding whatever occurs with the Indians no impression can be made upon them until force is used or exhibited. Indians have no respect for any person, Government agent, or anybody else, who has not a force at his control.

Question. Please state whether a system could be advantageously adopted whereby a portion only of the vacancies in the lieutenants of the Army should be filled by the graduates of the Military Academy.

Answer. The Army should be officered from three sources: The graduates of the Military Academy, civilians educated elsewhere, and the enlisted men when practicable.* It is hardly possible to fix the proportions from each source to be appointed annually. It would probably be best to make the principle a matter of law and leave the proportion from each source to the President. The vacancies in the grade of second lieutenant at the time of appointing annually, say about the time a class graduates, may be sufficient to absorb the whole class and also give some appointments from the other two sources. The number from the Army suitable for appointment will be very small for several years, but will probably increase from year to year as the system becomes known to the country. The number of cadets educated at the Military Academy might be considerably increased with the present force of professors and instructors without a proportionate increase of expense. The usefulness of the institution to the country at large would thus be greatly enhanced. When the vacancies are not sufficient to absorb the entire graduating class, under the rule above stated, a portion of them would have to be discharged from the service, with their education and diplomas, to make their way in the world. They would soon make themselves known if their services should be needed in case of war, and the more such men we can have in the country the better for the general good.

Statement of Gen. W. H. H. Terrell, United States pension-agent at Indianapolis, Ind.

UNITED STATES PENSION-AGENCY,
Indianapolis, March 12, 1874.

HON. JOHN COBURN,
House of Representatives, Washington, D. C.:

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, in which you ask certain questions in relation to the payment of pensions by drafts, (or checks,) and the cost thereof, with the view of applying the same principle of payment to the Army. I regret that this reply, which it gives me great pleasure to make, should have been so long delayed, but the regular quarterly payment of pensions having begun on the 4th instant it was impossible for me to respond to your inquiries until now.

Not being familiar with the details of Army payments by paymasters, I will not venture an opinion as to whether the pension system of payment by checks can be advantageously applied to the payment of the Army or not; but I will endeavor, in answering your questions, to show that the pension system is well adapted to the pension-service, and that

* This is, in fact, the present practice; but it is not required by law.

it is economical, safe, and acceptable to the worthy class of citizens for whose benefit it was devised.

Question 1. "How many pensioners do you pay and how often?"

Answer. The number on the rolls of this agency at the last summing up was 10,250. The present number will not vary much from that. Payments are made quarterly, commencing on the 4th days of March, June, September, and December in each year. The number of separate payments, including commutation for artificial limbs and examining-surgeons' fees, is about 41,500 annually.

Question 2. "How much do you pay them at each payment, in the aggregate?"

Answer. I have only paid three full quarters, June, September, and December, and can only give my experience since the 1st of May, 1873, at which time I entered upon my duties. The average amount of each of the above quarterly payments is \$313,000; giving a total for the three payments of \$940,000 nearly; or, at the same rate, \$1,253,000 annually.

Question 3. "How much do you, on an average, pay with drafts?"

Answer. All payments, without exception, are made by drafts, or rather by official *checks*, drawn on designated United States depositories of public money—the First National Bank of Indianapolis, the Indianapolis National Bank, and the Third National Bank of New York City—for which duly executed vouchers are in all cases taken and forwarded monthly to the proper accounting officers of the Treasury for examination and settlement. No currency is handled by me, nor is any money drawn or transferred under any circumstances except as above stated.

Question 4. "Is there any saving of time, labor, &c., in the method of paying by drafts; if so, *how* is it?"

Answer. Yes; as between the plan of paying in checks and paying in currency there is a saving of time and expense to the pensioners, and of time and labor to the agent, as I will endeavor to explain.

When a quarterly payment is due the pensioner forwards a duly executed voucher, which has been previously filled out and sent to him through the mail by the agent; it is carefully examined and compared with the records, and, if found correct, a check is drawn for the full amount due, with as little delay as possible; the same is properly registered on the depository cash-book, noted on the pension-roll, and transmitted to the pensioner's address, with another voucher ready to be executed for the next quarterly payment. This is repeated at each subsequent payment, without expense to the pensioner, he being subjected to no outlay whatever, except a fee of fifteen cents to the magistrate for each oath or certificate, and three cents for return-postage. In new cases or "increase" cases the vouchers are prepared and sent to claimants in the order the certificates are received from the Pension Bureau, so that pensioners living at a distance have no need of visiting the agency at all, and they are saved the time and expense of travel, and the vexations and delays necessarily incident to making personal application for their money. The helplessness and decrepitude of many pensioners, by reason of their infirmities, arising from wounds, old age, &c., appeal strongly to a generous sympathy, and it is therefore peculiarly fitting that simple, easy, and safe means be provided for their payment, without unnecessary cost or delay. The system is absolutely safe, expeditious, inexpensive, and satisfactory, generally, to the persons whose best interests it is the aim of the Government to serve and protect. In these respects it is in striking contrast with the former plan of paying under powers of attorney. Now the pensioner is sure to get all he is lawfully entitled to, while under the old system attorneys almost invariably

charged for their services, and not infrequently (having the money in their own hands) helped themselves liberally, sometimes extravagantly, and occasionally appropriated the whole. No middlemen are now necessary, and the safeguards already explained have been found sufficient for each and every case. During the time I have acted as agent but few instances have occurred (only three or four) where checks have been lost in the mails, and the number which have failed to reach their proper destination by reason of misdirection, &c., is surprisingly small. Every check is made payable to the order of the pensioner, and up to the present time I have not heard of a single case of fraudulent collection by forged indorsement or otherwise.

There are other pensioners, however, to whom the above plan of payment does not apply: those who make personal application at the agency for their checks, as, for instance, those who reside in or near the city of Indianapolis. Their vouchers having been prepared in advance, are executed in presence of the agent, who takes the necessary proofs without charge, and then delivers the checks directly to the persons entitled thereto. About one thousand are paid in this way each quarter, principally residents of Marion County, requiring, usually, the whole attention of the agent and clerks for the first week of the quarter. Much more time is consumed in making these payments than payments through the mails. In widows' and guardians' cases the testimony of witnesses must be taken; all signatures must be attested; duplicate receipts signed, the officer's jurat affixed, &c., and then the pensioner must wait until his check can be made out, signed, and entered upon the records. At least three payments can be made on "mail-vouchers" to one at the office counter.

Question. "How many clerks do you have or need?"

Answer. I have six clerks, and need that number for the prompt and accurate dispatch of business. During the first month in each quarter I could advantageously use one or two more if I had room for them; besides, I give my own personal attention to the business of the agency in all its details. Payments really extend throughout the year, but it is only during the first four or five weeks, at the beginning of a quarter, that the pressure is great. After that all delayed work is brought up, vouchers are systematically arranged and entered upon abstracts for audit, and the work of preparing the vouchers is attended to in time for the next payments. Since I entered upon duty in May last, a complete set of new, enlarged, and improved pension-roll books have been completed at heavy personal cost, to take the place of the old and imperfect ones, which had become defaced and badly worn from long use. A daily register of receipts, disbursements and balances in each depository has been kept up, and the date of payment of each check noted thereon. This register, I am informed, is a new feature in pension-agencies, and although it involves a great deal of patient labor to keep it written up, I find it invaluable. The correspondence is quite extensive and receives prompt attention. The clerks average about nine hours of labor daily, and in the winter season are required to work at night. The business in all its intricate details requires the closest attention, and, therefore, only competent and skillful clerks can be employed.

Cost and expenses of the agency.—This agency ranks as the fourth in size in the United States. Bond, \$650,000. The agent is paid by salary, \$4,000, and by a fee of 30 cents as full compensation for all service, including postage for each voucher prepared and paid by him, which salary and fees are paid by the United States. The fees for the year

are estimated at \$10,500, making for salary and fees \$14,500, or about one and one-sixth per cent. on \$1,253,000 disbursed.

It must be borne in mind that the whole expenses of the agency for rent of office, fuel, lights, clerk-hire, postage on vouchers, furniture, and incidental outlays are paid by the agent. These items for the year I estimate will amount to \$8,000, which deducted from the total amount received from salary and fees, leaves the agent the sum of \$6,500 as his net compensation for the year; being about one-half of one per cent. on \$1,253,000 disbursed.

My postage bills for three payments, covering a period of ten months, amounted to \$1,080, of which I am only entitled to \$308.15 from the Government, the balance being borne by myself, as all other expenses are except records and stationery, and paid out of my salary and fees, as before stated.

ERRATA.

In the testimony of Adjutant-General Townsend, on page 40, sixth line from the bottom, for the word "*commutation*" read "*hire*;" and on page 41, third line from the top, after the word "*yes*" insert the words "*forage in kind*."

On page 27, second line from the bottom, in a remark made by General Hawley, of Connecticut, for "*40,000*" read "*2,000*."

On page 234, bottom line, for "*each of these men saves*," read "*twenty of these men save each*."

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county court clerk of said county by an officer of the election, or by any one in the presence or company of such an officer, but was carried by a boy some fifteen or sixteen miles in said condition, and by him delivered to the clerk.

4th. Because the poll-book at the Deer Creek precinct, in Carter County, in said district, was not signed or certified as required by law.

5th. Because ballots or votes legally or properly cast for me in the counties of Bracken, Nicholas, Robertson, Rowan, Mason, Bath, Boyd, and Fleming, in said district, were illegally, wrongfully, and fraudulently thrown out, and not counted, by the precinct and county election boards of said counties.

6th. Because in the computation of votes or ballots cast in the counties last above named the various election boards of said counties counted for you more votes than you received.

7th. Because I received at said election in said district a majority of the legal votes cast therein; and, for the reason herein set out, I will claim the seat in said Congress from said State and district as member elect therein.

Respectfully,

JOHN M. BURNS.

DECEMBER 23, 1872.

The answer of contestee denies each of the grounds presented by the notice, and makes the following "charges" in regard to the votes received by contestant:

1st. You did not receive a majority of all the legal votes cast at said election, in said district, on the 5th day of November last, and I did.

2d. Illegal votes, and votes by minors and persons who had not resided in the counties and precincts the time required by law, were cast for you in each precinct of said district.

3d. Voters were directly and indirectly bribed to vote for you, by the free use of whisky, money, and property, in the counties of Lewis, Greenup, Boyd, Lawrence, and Martin, and said voters did, under said influences, vote for you, and in said counties many voters were awed and intimidated, and prevented from voting for me and forced to vote for you.

4th. I charge that at every precinct in said district where you received a majority the poll-books and ballot-boxes were not signed and sealed and delivered to the clerks of the various county courts, as required by law; and votes were obtained for you at each of said precincts by bribery, fraud, and intimidation.

5th. I charge, and will prove, that all the votes cast for you in the counties of Nicholas, Robertson, Bracken, Mason, Fleming, Lewis, Greenup, Boyd, Lawrence, Martin, Johnson, Carter, and Rowan were illegal and void, being in violation of the fifth section of the act of the Kentucky legislature in regard to voting by ballot, approved March 27, 1872, which is as follows:

"All ballots shall be printed or written on white paper, and shall have on them the name of the person voted for, and shall have no other distinguishing mark on them, and each ballot shall be so folded as not to show any part of the name written or printed on it."

I state, and allege, in the counties above named the ballots voted for you had the "distinguishing mark" "Hon." before John M. Burns, while others had "Hon. John M. Burns," and other distinguishing marks, and all of which ballots were counted for you, in violation of the eighth section of said act of the Kentucky legislature.

6th. I charge that all the votes cast for you in the county of Martin were not deposited in ballot-boxes with locks and keys to them, as provided by said act of the Kentucky legislature.

7th. I charge fraud upon your part and upon the part of your friends in circulating the report in the county of Martin that I was no candidate, losing to me by said report more than one hundred votes.

For these reasons I deny your pretended right to a seat in the Forty-third Congress of the United States from the tenth congressional district of Kentucky.

Respectfully,

JOHN D. YOUNG.

OWINGSVILLE, KY., *January 6, 1873.*

This was the first election held under the statute of Kentucky requiring elections for Representatives in Congress to be by ballot, as directed by the act of Congress approved February 28, 1871.

The directing provisions of the act of the Kentucky legislature are very elaborate, and were not in every instance strictly complied with by officers who conducted the election. Many irregularities occurred in precincts in which contestee received majorities, and exactly similar irregularities occurred in precincts which gave majorities for contestant.

And, if proof of mere irregularities is sufficient to vitiate the vote in these precincts and these only counted where there was strict conformity to the Kentucky statute, the majority of the contestee would be increased. In some instances the county boards, in compliance with a provision of the statute which directs that the ballots shall have on them the name of the person voted for, and no other distinguishing mark, threw out ballots cast for contestant because the word "Hon." was prefixed to his name on them. The committee are of opinion that the ballots thrown out for this reason ought to have been counted for contestant. In the county of Bracken there were thrown out because of the prefix "Hon." 36 ballots for contestants. In the county of Mason, according to the certificates of the precinct officers, Young received 1,663, Burns 1,347. The county board certify for Burns 1,338 votes, or 9 votes less than the precinct certificates aggregate. These 9 votes the committee believe ought to be counted for Burns for the reason that the county board refused to allow any person except the members of the board to be present when the ballots were counted. Witness Hutchens swears that he asked permission to remain in the room while the board were counting the votes, and was refused by a member of the board.

The said witness, Hutchens, testifies that the members of said board are men of integrity and veracity; nevertheless the committee consider the practice reprehensible and dangerous, and believe that contestant Burns ought to have corrected for him all the votes certified by the precinct officers, viz, 1,367; which would give Burns as follows:

Vote certified by State board.....	8,895
Ballots thrown out as stated above.....	36
Difference between votes certified by district precincts and county boards in Mason County.....	9

Which makes contestant's vote.....	8,930
------------------------------------	-------

In Bracken County three ballots given for contestee Young were thrown out because the prefix "Hon." was on them.....	3
Thrown out in Fleming County for the same reason.....	1
Vote for contestee certified by State board.....	9,073

Total vote for contestee.....	9,077
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There is no allegation or proof of fraud in the manner of conducting the election in other counties or precincts.

The counties of Lewis, Greenup, Boyd, Carter, Johnson, Martin, and Rowan, gave majorities for contestant, and contestant received majorities in various precincts in the counties which gave majorities for contestee, and the committee find that in these counties and precincts the same irregularities were committed as in the precincts and counties which gave majorities for contestee.

In conclusion, the committee are of opinion that, concerning the precincts wherein the irregularities were of so grave and important a nature as to affect the validity of the returns, the secondary proof of the actual votes cast shows a result not differing from that shown by the returns. In other precincts, the irregularities complained of on both sides, though to be reprehended, are not of a nature to necessarily affect the validity of the returns.

The committee recommend the adoption of the following resolution:

Resolved, That John D. Young, the sitting member, was duly elected a Representative in the Forty-third Congress from the tenth congressional district of Kentucky, and is entitled to his seat.

JAMES A. DREW AND OTHERS.

APRIL 7, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. DUNNELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 2873.]

The Committee on Claims, to whom was referred the petition of James A. Drew and others, for compensation for land taken from them and ceded to Great Britain by the treaty of Washington, of 1842, have had the same under consideration, and beg leave to report :

That in the treaty between the United States and Great Britain of November 30, 1782, it was agreed that the United States should be bounded * * * "east by the line to be drawn along the middle of the Saint Croix River, from its mouth, in the Bay of Fundy, to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence."

Article II of the treaty of peace of September 3, 1783, re-establishes this boundary in exactly the same words.

The commissioners appointed under the provisions of the treaty of November 19, 1794, determined the source of the Saint Croix, and the two governments erected a monument to mark the spot.

In accordance with the provisions of all of these treaties, making the boundary a due north line from the head-waters of the Saint Croix, &c., Massachusetts caused a due north line to be run from the monument to the Saint John River, in 1804, and many of the grants of lands to institutions of learning and to meritorious soldiers of the Revolutionary War and their widows were located along this line.

This line corresponds very nearly with the line run in 1840 by Major Graham, of the United States topographical engineers, and which is, without doubt, the true line of the treaty of 1783.

During all the contention on the question of the northwestern boundary under the treaties of 1814 to 1817 and until after the rejection of the proposition of the King of the Netherlands for a compromise line to be agreed upon, no other line than the due north line from the monument was ever suggested, but only how far north shall it extend—what shall be its termination?

The Secretary of State, in a letter of July 21, 1832, addressed to the British minister respecting the disputed territory, suggested "that until this matter be brought to a final conclusion, the necessity of refraining on both sides from any exercise of jurisdiction, beyond the boundaries now actually possessed must be apparent," which proposition was concurred in by the British government, and so stated in a letter from the British minister, dated April 14, 1833.

About this time squatters from New Brunswick commenced occupying these lands south of the Saint John River, on the west side, as well as on the east side of the line, and to cut the timber. But the State of Maine did not interfere till in the winter of 1839, when she sent a posse of armed men to arrest the depredators, but instructed to not interfere with the peaceable settlers.

This conflict resulted in the treaty of Washington of 1842, the first article of which established the east line, commencing at the monument; thence north, following the exploring line marked by the surveyors of the two governments in 1817 and 1818.

The variation of this line from the due north line provided for under the treaties of 1782 and 1783 at the Saint John River is nearly one mile, and the land for which these petitioners ask to be paid is contained in this wedge-shaped strip, commencing at a point at the monument, lying between the due north and south treaty-line of 1782 and 1783, and the diverging treaty-line of 1842, and extending to the Saint John River, where, as before stated, it is nearly one mile wide, which land they hold under the grants made by Massachusetts, and located up to and along the due north and south line prior to 1815.

In the negotiation of the treaty of 1842 it will be seen that Lord Ashburton earnestly desired to obtain the lands west of the old treaty-line in order to retain the settlers upon them under the British Government.

Lord Ashburton to Mr. Webster, June 21, 1842, writes :

It is further desired to retain, under the jurisdiction of each government, respectively, such inhabitants as have for a length of time been so living, and to whom a transfer of allegiance might be painful or distressing. In considering on the map a division of the territory in question, this remarkable circumstance must be kept in mind, that a division of acres by their number would be a very unequal division of their value. The southern portion of this territory, the valley of the Aroostook, is represented to be one of the most beautiful and most fertile tracts of land in this part of the continent, capable of the highest state of cultivation, and covered with fine timber.

Lord Ashburton to Mr. Webster, July 11, 1842, further writes :

And you refer more particularly to a certain narrow strip lying between the north line and the river. This strip I have no power to give up; and I beg to add that the refusal of my government is founded simply on their subjects living by preference under her authority; an objection which, you are sensible, applies with peculiar force to the inhabitants of this part of New Brunswick. I had hoped that the other equivalent which I had offered, combined with the sense entertained by the Government of the United States of the pressing importance of the case on the ground of humanity, would have been sufficient for the purpose I so anxiously desire.

Mr. Webster to Lord Ashburton, July 14, 1842, writes :

It is certain that by the treaty the eastern boundary of the United States, from the head of the Saint Croix, is to be a due north and south line. * * * There are, then, two important subjects for consideration :

First. Whether the United States can agree to cede, relinquish, or cease to claim any part of the territory west of the north line from the Saint Croix and south of the Saint John's; and I think it but candid to say at once that we see insurmountable objections to admitting the line to come south of the river.

We understand, and indeed collect from your lordship's note, that, whatever her opinion of her right be to the disputed territory, England, in asserting it, has principally in view to maintain on her own soil her accustomed line of communication between Canada and New Brunswick.

We acknowledge the general justice and propriety of this object, and agree at once that, with suitable equivalents, a *conventional* line ought to be such as to secure it to England.

Mr. Webster to Lord Ashburton, July 22, 1842, respecting the boundary line agreed upon, writes :

To complete the boundary line, therefore, and to remove all doubts and disputes, it is necessary for the two governments to come to an agreement on these points :

First. What shall be the line on the northeastern and northern limits of the United States from the Saint Croix to the Saint Lawrence? This is by far the most difficult of the subjects, and involves the principal questions of equivalents and compensation.

The line, then, now proposed to be agreed to may be thus described: Beginning at the monument at the source of the river Saint Croix as designated and agreed to by the commissioners under the 5th article of the treaty of 1794 between the governments of the United States and Great Britain; thence north, following the *exploring line run and marked by the surveyors of the two governments in the years 1817 and 1818*, under the 5th article of the treaty of Ghent, to its intersection with the river Saint John's.

Mr. Webster to the Maine commissioners, July 15, 1842, writes that "as the settlement of a controversy of such duration is a matter of high importance," he hopes "that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed."

The Maine commissioners at first declined, but the Massachusetts commissioners, upon certain other conditions named, agreed "to relinquish to the United States her interest in the lands which will be excluded from the dominion of the United States by the establishment of the boundary aforesaid." And on the 22d day of July, 1842, the Maine commissioners gave the unwilling "assent of that State to such conventional line, with the terms, conditions, and equivalents herein mentioned."

POSSESSORY CLAIMS.

To illustrate the manner in which the present claimants became dispossessed of their lands it will be necessary simply to examine article 4 of the treaty of 1842, which is as follows, viz:

ART. 4. All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release, to the person entitled thereto, of the title to such lot or parcel of land so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

As both Governments had abstained from exercising jurisdiction over this territory between the years 1832 and 1842, the squatters from the adjoining province had had a peaceful occupancy of these lands for more than six years, and they had, therefore, according to the provisions of the 4th article of the treaty just recited, acquired titles which the treaty states "shall in like manner be deemed valid and be confirmed and quieted by a release," &c., so that these lands were absolutely and entirely lost to the American owners, who were deprived of them by the action of their Government.

The country demanded this in the interest of peace, and they had to make the sacrifice, but the propriety of indemnifying those parties who have thus suffered through the necessities of diplomacy seems to be beyond the possibility of a doubt.

About one-half of the land contained in this wedge-shaped strip was owned by the States of Maine and Massachusetts at the time of the treaty of 1842, and payment for the same was provided in that treaty, and the lands for which the States were paid lay on the north, on the south, and also between the lands owned by these claimants.

These claimants made application to the legislature of the State of

Maine for indemnity for the loss of their lands by the operation of the treaty, and the legislature passed the following resolution, viz :

Resolve in favor of owners of lands taken by the United States and ceded to Great Britain.

Resolved, That the governor and council are hereby authorized to investigate the claims of the several owners of lands on the northeastern boundary of the State, between the monument and the river Saint John, taken from them and ceded to Great Britain by the treaty of Washington, and allow to each of the owners or their assigns a just compensation for their several proportions thereof; and take all necessary measures to obtain such amount or amounts from the United States; and when the same shall be allowed by the United States, the governor shall draw his warrant on the treasurer for the sums due the several persons.

Approved February 24, 1869.

In accordance with this resolution the governor and council made the following report in part :

Report of council.

STATE OF MAINE, IN COUNCIL, *January 6, 1870.*

The committee of the council to which was referred the claim of James A. Drew and others, for compensation for land taken from them by the treaty of Washington, under the resolve of the legislature of this State approved February 24, 1869, ask leave to report in part, as follows :

By the treaty of 1783 the northeastern boundary of Maine was a line running due north from the monument to the northern line of the State.

By the treaty of Washington in 1842, a conventional line was established, which began in the old line at the monument and diverged to the west gradually as it went north, thus cutting the easterly ends of all the townships of land lying between the monument and the northern line of the State. A large portion of the strip of land thus cut off had been sold by the States of Maine or Massachusetts, prior to the treaty of Washington, to individuals.

By the terms of the last-named treaty the soil and title of this strip passed to settlers in the province of New Brunswick, so that these owners have lost the full value of their lands thus ceded away, and have thus far had no compensation therefor from the State or the United States. The townships or part townships belonging to individuals from which the treaty of Washington thus cut are Hodgdon, Houlton, Williams College grant, Framingham Academy grant, Monticello, Portland Academy grant, Bridgewater Academy grant, Mars Hill and Plymouth grants.

The quantities of land taken from each of said townships or part of townships we have ascertained by satisfactory evidence to be as follows :

	Acres.	Rods.
Hodgdon	620	
Houlton, (south half).....	558	
Williams College grant	1,600	
Framingham Academy grant.....	865	57
Monticello	1,752	
Portland Academy grant.....	816	
Bridgewater Academy grant.....	810	
Mars Hill Academy grant	1,690	80
Plymouth grant.....	2,017	
	10,718	137

There was reliable proof presented to us to establish the value of this land at the sum of three dollars per acre, and in our opinion that is a fair value for the same.

There seems to be but little difference in the value per acre of the different townships, and we have, therefore, concluded to affix but one value throughout.

The Aroostook River runs through the Plymouth grant, and on the part of that grant taken off by the treaty of Washington were the falls of that river, of 90 feet descent, which furnish a valuable water-power and mill-privilege, and, in our opinion, an additional sum of three hundred dollars over and above said price per acre should be allowed the owners of this township.

Per order,

J. W. PORTER.

IN COUNCIL, *January 6, 1870.*

Read and accepted by the council, and by the governor approved.

Attest:

FRANKLIN M. DREW,
Secretary of State.

On the 21st day of December, 1871, the council of Maine made their *final report* respecting the claim for timber taken from this land, in which they say, "we are of the opinion that the claimants are entitled to compensation for the timber so taken off, and at the rate of two dollars and a half per acre."

"The evidence is that there was an average of about two and a half tons per acre of timber, worth at the time of the depredation \$1.60 per ton, and subsequently \$4.50 per ton. If it be assumed that two tons were taken from an acre, the loss at the lowest estimate at the time would be \$3.20 per acre; or, if taken at its value in 1850, it would be \$9 per acre."

On the 14th January, 1871, the executive of Maine addressed a communication to the Hon. Hamilton Fish, Secretary of State, in pursuance of the resolution of the Maine legislature, and the report of the Maine council setting forth the grounds upon which these claims are founded, as follows, viz :

Letter of governor of Maine to Secretary of State of United States.

STATE OF MAINE, EXECUTIVE DEPARTMENT,
Augusta, January 14, 1871.

SIR: By the treaty of 1783, establishing the northeastern boundary of Maine, the line from the source of the Saint Croix, or the monument, was to have been due north to the highlands, and the States of Massachusetts and Maine surveyed and marked the two eastern ranges into townships, and prior to 1842 sold several of them to private individuals, gave deeds running to the treaty line, and received their consideration therefor. But by the treaty of Washington, August 9, 1842, a conventional line was agreed upon and run out and established on the face of the earth, beginning at said monument, and diverging irregularly to the west of a due north course, so that when it reached the river Saint John it was about a mile west of the treaty-line of 1783; this line cut off the eastern ends of the townships which had been sold by Massachusetts and Maine, as well as those that had not been thus sold. Prior to this the province of New Brunswick had sold and deeded these lands to the exploring or conventional line, and in some instances even beyond it. The fourth article of the treaty of 1842 provided that—

"All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made."

Thus it will be perceived that the treaty, by its own force and without any legislation on the part of Congress or the State of Maine, deprived the original owners of these townships of their titles thereto, and vested the same in the grantees of New Brunswick. The opinion of the supreme court of Maine, as given in the case of *Little v. Watson*, 32d Me. R., 214, is direct to this point. See also 7th Peter's R., 51, 88.

These individual owners have never received any compensation for the lands thus taken from them by the United States with the reluctant consent of Maine. In 1869 they made application to the legislature of this State for such compensation, and the result is to be found in the resolve herewith transmitted. After the passage of that resolve the governor and council gave a full hearing to the claimants, and thoroughly and carefully investigated all the facts bearing on their claim, and embodied their conclusions in the accompanying report of council, which was deliberately considered, adopted, and approved.

I am not aware that the duty imposed by said resolve on the executive of Maine, "to take all necessary measures to obtain such amount or amounts from the United States," has ever been attempted, and in justice to these private claimants, it become my official duty to present this just claim to the department of the General Government having charge of foreign affairs, and respectfully to ask the early attention of the Secretary of State thereto, and that the claim may be approved by him and recommended directly to be placed in the appropriation bill.

Very respectfully, your obedient servant,

SIDNEY PERHAM,
Governor of Maine.

Hon. HAMILTON FISH,
Secretary of State.

There have been nine reports made to Congress or by committees of the Senate and House of Representatives upon this class of claims, all of which, with a single exception, being unanimously in favor of paying them, and the amount of one claim was placed directly in the appropriation bill of July 20, 1869. The reports in the House of Representatives are as follows, viz:

Mr. Knowlton, last session 34th Congress.

Mr. Maynard, 1st session 35th Congress.

Mr. Walton, 2d session 37th Congress, and a bill for relief of present claimants passed the House at the last session of the 42d Congress, but not in time to pass the Senate.

The reports to the Senate were made—

By Mr. Wade, 34th Congress, 3d session.

Mr. Clark, 35th Congress, 1st session.

By Mr. Simmons, 36th Congress, 1st session.

Congress has heretofore passed several bills to pay the owners of lands thus taken from them, and when the last one passed, the amount claimed in this bill was omitted because it had not then been accurately ascertained. This bill calls for compensation for all the land, not heretofore paid for, and all the timber that was upon it, that was ceded to the British government under the treaty of 1842.

The legislature of Massachusetts, by a resolution approved May 5, 1871, authorized the governor and council "to co-operate with the executive of Maine in obtaining payment by the United States of the claim of the private owners of lands on the northeastern boundary of Maine, ceded to Great Britain by the conventional line established by the treaty of Washington, of 1842."

Twelve of the grantees of this land received it from Massachusetts in consideration of their services as soldiers of the Revolution, and it was granted to them or to their widows, and several thousands of acres of it, at the time it was ceded in 1842, had cost over four dollars per acre. A bill to pay these claimants two dollars per acre passed the House at the last session of Congress, but not in time to receive action in the Senate.

The committee believe that when citizens are deprived of property by the direct and authorized action of the Government they are entitled to a just remuneration. Two dollars an acre is not a just remuneration for land taken by the Government more than thirty years ago, that cost the owners at that time more than four dollars per acre, the soil of which is estimated by the Maine council at more than three dollars per acre, and the timber, in 1850, at nine dollars per acre. The following extracts from the report of Mr. Walton to the House of Representatives, 2d session 37th Congress, upon an act to pay for land and timber in the immediate vicinity of these lands, apply with equal force to this case:

The third and last question, as to the right of the proprietors to pay for timber removed, depends upon the same principle as the second, though it is presented in a different form. The land was taken by the direct action of the Government, through the treaty; the timber was not taken by the Government, but was lost to the proprietors through the direct action of the Government. From 1831 to 1839 the jurisdiction of Maine over the disputed territory was suspended by request of the President, and it was precisely at this time that New Brunswick took possession and carried off the timber. It clearly appears from a letter of the Secretary (Mr. Van Buren) to the governor of Maine, dated March 18, 1831, that the suspension of action by Maine was requested by President Jackson, for the purpose of saving the Executive from interruption and embarrassment in the settlement of the dispute with Great Britain. The loss of the timber was, therefore, incident to a deliberate and prudent policy for the peaceable solution of a dangerous question; as much incident to the policy of the Government as was the subsequent transference, by the treaty itself, of improved lands to the very men who had carried off the timber. Indeed, it is apparent from the public

documents that from 1827 this Government knew that Great Britain was exercising acts of exclusive jurisdiction over the disputed territory, and from 1831 to 1839 it also knew that New Brunswick was stripping this part of the territory of its timber; and this Government submitted to these wrongs rather than resent or resist them. The loss of the timber, therefore, seems to be a part of the price for national peace, and the committee think the nation, and not the persons wronged, should bear the loss.

The act of July 12, 1862, allowed four dollars per acre for land of the same value as this, and contiguous to it, and it was not pretended that it was a fair value, only that the owners were willing to accept that sum.

An act passed at the 1st session of the 34th Congress, paying Josiah S. Little more than thirteen dollars per acre for land adjoining these lands and of similar quality.

Your committee respectfully submit, herewith, a bill providing for the payment of three dollars per acre, the same to be in full payment for the land and the timber taken therefrom, and recommend its passage.

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ZADOCK WILLIAMS AND OTHERS.

APRIL 7, 1874.—Ordered to be printed.

Mr. POLAND, from the Committee on Revision of the Laws of the United States, submitted the following

REPORT:

The petition of Zadock Williams and others praying for the passage of an act to restore the jurisdiction of the Court of Claims over certain cases, and the cases themselves, to the docket of that court, having been referred to the Committee on Revision of the Laws of the United States, and duly considered, the committee submit the following report :

The committee find that prior to July 4, 1864, the petitioners had severally commenced suits, by petition to the Court of Claims, against the United States and they were pending at that date.

The petitioners state in their petition that their respective claims accrued from the destruction and appropriation of property belonging to them by troops employed in the service of the Government, and soon after the commencement of the late war of the rebellion.

On the 4th day of July, 1864, Congress passed an act, the first section of which provides, "that the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy, or any part of the Navy, engaged in the suppression of the rebellion, from the commencement to the close thereof."

By virtue of the mandate of this statute, the Court of Claims dismissed the cases of the petitioners from the docket of that court; and it is not claimed but that the court acted in conformity with the requirements of the law, and that a restoration of jurisdiction of these cases would be a partial repeal of the act recited.

By the second and third sections of the act of July 4, 1864, the Quartermaster-General and the Commissary-General of Subsistence were respectively authorized to report to the Third Auditor of the Treasury for settlement claims of loyal citizens, in States not in rebellion, for quartermaster's stores and subsistence actually furnished the army. It is possible that some portion of the claims of the petitioners might have been within the jurisdiction of the officers named, and if so, the committee have no evidence that the petitioners have not availed themselves of that jurisdiction.

The act of February 21, 1867, prohibits any settlement of any claim for supplies or stores taken or furnished for the use of, or used by, the armies of the United States, or for the occupation of, or injury to, real estate, or for the consumption, appropriation, or destruction of, or damage to, personal property, by the military authorities or troops of the

United States, when such claim originated during the rebellion, in any State declared in insurrection by the President's proclamation of July 1, 1862.

By the act of March 3, 1871, a commission was established to examine and report to Congress claims of loyal citizens in the insurrectionary States "for stores and supplies, taken or furnished during the rebellion for the use of the Army of the United States, including the use and loss of vessels or boats while employed in the military service of the United States." By a subsequent act, the same remedy was extended to the same class of persons who furnished stores and supplies for the use of the Navy. The foregoing are believed to be all the provisions yet made by Congress for the allowance of claims growing out of the war by any department or tribunal.

The claims of the petitioners are, generally, for the occupation of lands by Government troops, and the use or destruction of buildings, fences, timber and crops, some in the loyal and some in the disloyal States. For some portion, or perhaps all of some of these claims, the parties would seem to have a remedy by presentation to the Commissioners of Southern Claims; but for most of them no remedy seems to be open, except an appeal to Congress itself. Repeated attempts have been made to induce Congress to enlarge the scope of such jurisdictions as are open to claims upon the Government, but without success. It has not as yet been deemed prudent or safe to invest any tribunal with jurisdiction over the class of claims like the bulk of those represented by these petitioners. Whether there should be, or ought to be, any tribunal clothed with such jurisdiction, either final or preparatory for the action of Congress, we do not think comes properly within the scope of this committee to inquire. Other committees of the House are far more appropriate to that end.

This committee is asked to recommend the restoration of the jurisdiction of the Court of Claims over these few cases, when it is well known that there are thousands of other claims of the same character, both North and South, over which neither that court nor any other tribunal has cognizance. In our judgment this would be manifestly unjust and unfair; and the mere fact that these petitioners had filed petitions in the Court of Claims before the jurisdiction of that court was taken away, furnishes no satisfactory ground for such a distinction.

The committee therefore ask to be discharged from the further consideration of the petition, and recommend that it do lie upon the table.

ENCOURAGEMENT OF NEW AND USEFUL INVENTIONS.

APRIL 8, 1874.—Ordered to be printed.

Mr. CLEMENTS, from the Committee on Patents, submitted the following

R E P O R T :

[To accompany bill H. R. 2512.]

The Committee on Patents, to whom was referred the bill (H. R. 2512) to promote new and useful inventions, have considered the same, and beg leave to report :

This bill proposes to appropriate \$1,000,000 out of the Treasury of the United States, to be paid in ten (10) annual installments of \$100,000 each.

It also provides for a commission to be composed of the Commissioner of Patents, Secretary of the Smithsonian Institute, Commissioner of Agriculture, Chief of Engineers of the Army and Navy, and the Surgeon-General, whose duty it is to distribute these installments, in prizes of from \$1,000 to \$10,000 each, to the inventors or discoverers of the most meritorious inventions and discoveries.

The committee do not conceive that the present state of the inventive genius of the country requires any such stimulus, nor that the state of the National Treasury warrants any such outlay. They do not regard this bill as defensible on any just precedent, principle, or policy, and therefore recommend that it do not pass.

ENCOURAGEMENT AND RELIEF OF INVENTORS AND PAT- ENTEES.

APRIL 8, 1874.—Ordered to be printed.

Mr. W. A. SMITH, from the Committee on Patents, submitted the following

R E P O R T :

[To accompany bill H. R. 872.]

The Committee on Patents, to whom was referred the bill (H. R. 872) for the encouragement and relief of inventors and patentees, have considered the same, and beg leave to report :

That the bill provides for a seven-years' extension of patents granted prior to March second, eighteen hundred and sixty-one, on the sole condition that application be made therefor "at least sixty days before the close of the original term of fourteen years" and the payment into the Treasury of a "fee of one hundred dollars."

The committee are of opinion that the power sought by the bill is extraordinary, and that existing laws are ample for the "encouragement and relief of inventors and patentees," and therefore they report adversely and recommend that the bill do lie on the table.

VIOLATION OF THE EIGHT-HOUR LAW.

[With testimony.]

APRIL 8, 1874.—Ordered to be printed.

Mr. KILLINGER, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

The Committee on Public Buildings and Grounds, to whom was referred the following resolution: "Resolved, That the Committee on Public Buildings and Grounds be, and they are hereby, required to investigate the alleged violation of the eight-hour law in the work on the New York post-office, and to send for persons and papers if necessary," respectfully report:

That they have carefully considered all the statements submitted and testimony produced before them bearing upon the subject-matter of the above resolution. The material question is one of fact, whether the eight-hour law, passed June 25, 1868, which declares that eight hours shall constitute a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, has been violated in the work done on the New York post-office building. No time is designated when the alleged violation of the law took place, and we may assume that the complaint embraces all the work done from its commencement to the present time.

It will be observed that the inquiry does not involve the expediency or in expediency of the law itself, and we do not propose to go beyond the instructions of the House in this regard. It appears that the law was not observed in all cases and at all times prior to May, 1872, so far at least as the work on the New York post-office building was concerned. It required a peremptory order from the Secretary of the Treasury to the superintendent of said building, directing its enforcement in all such work. From that time forward it does not appear that the superintendent of said building, or any one acting under his orders, employed any laborer, workman, or mechanic to do a day's work otherwise than in accordance with the law referred to and the direction of the Secretary of the Treasury. And it is but just to add that no laborer, workman, or mechanic employed on the building since the date specified has appeared before the committee to substantiate any alleged violation of the law.

The labor unions of New York, however, appeared in the persons of recognized representatives, and complained that the law was being violated by indirection. They allege, and the evidence sustains the allegation, that the Government agent, Mr. Mullett, has employed Marshall J. Davidson, a prominent machinist of New York City, to design and construct the heating and ventilating apparatus to be used in the said building. Under the contract thus assumed by him, Mr. Davidson em-

employs his own workmen, and on his own terms, without consulting the United States authorities, and without reference to the eight-hour law. Mr. Davidson says in his testimony that the Government reserves the right, and has the option, to pay him the contract price or the actual cost of the materials and labor, increased by a percentage. This reservation would seem to be a sufficient protection to the Government against excessive charges, but the question here is not so much the price to be paid by the Government as the right of the Government agents to contract for the performance of work on Government buildings in the manner here specified.

It is claimed that such percentage contracts are subversive of the eight-hour law in its true intent and meaning. And, on the otherhand, it is asserted that machinery like that referred to cannot be manufactured outside of machine-shops, and by other than scientific men with the aid of skilled labor. In addition to this consideration it appears that the question raised here has been considered by the Attorney-General of the United States, and his opinion is regarded by the Treasury Department, as expressed by Mr. Mullett, as conclusive upon it. In the opinion of the Attorney-General, filed May 2, 1872, in the case of certain stone-cutters employed near Richmond, Virginia, in getting out granite for the building in course of erection for the State Department, the following language occurs :

"The letter of the act of Congress limits its operations to laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, and I am aware of no reason to suppose that the act was intended to have operation beyond the immediate employes of the Government."

In that case, as in the present case, the contractor employed the men, and the Attorney-General was of opinion that he, the contractor, "would have just cause of complaint if the Government should undertake to interfere between him and his employes by prescribing regulations for their labor."

We simply cite this opinion of the Attorney-General, which seems to rule the action of the Treasury Department and its Supervising Architect, and not with a view to discuss its terms. Until reviewed or reversed by higher authority it must be admitted to have force and effect upon those who are bound by it. Its conclusions are understood to be of binding force by the Government agents; and it is manifest that if Congress desires to bring within the eight-hour law such cases of alleged infraction as we have been considering, some means must be found to overcome the difficulty suggested. The friends of that law will have to secure a judicial construction of the law as it now stands on the statute-book, or additional legislation. Until one or the other remedy is sought and applied, the Secretary of the Treasury will probably feel himself justified in following the instructions of the highest law-officer of the Government in this regard. The committee offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Statement of A. B. Mullett, supervising architect.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., March 2, 1874.

The Committee on Public Buildings and Grounds, having before it the resolution instructing it to inquire into the alleged violation of the eight-hour law in the work on the New York post-office building, Mr. A. B. Mullett, Architect of the Treasury Department, appeared before the committee, and was inquired of by the chairman as to the facts in the case.

Mr. MULLETT. When work was commenced on the New York post-office it was necessary to keep the men working night and day. They worked with calcium lights, and there was a very large amount of labor offering. There was a pressure for work, and men were perfectly willing to work ten hours a day with the understanding that they were to receive a day's pay. It was a matter of mutual agreement. The superintendent of that work will be able to give you more of the details, because the arrangements were made by him. I do not find any instructions from the office that he was to make such an arrangement, but it was well understood that the men were working under that arrangement. It appears from the report of the superintendent that there was no complaint for a long time, but finally a small squad of laborers asked for an increase upon their wages in consideration of their working ten hours a day. The superintendent told them that if they were not satisfied with the terms and conditions on which they were working, they could quit work, and they did so. Whether they were discharged or whether they quit work voluntarily, I do not know. The thing went on in that way until finally a formal appeal was made to the Department by a number of the employés, and the question was referred to the Comptroller, and with his approval an order was issued requiring the men on that building to work by the hour, and to be paid for their labor by the hour. The basis on which the price was fixed was somewhat in excess of the regular wages which they would be entitled to for working ten hours a day; I mean that they were allowed per hour a little over one-tenth of a day's wages in each branch of industry. It was not enough to make it any material increase, but it was enough to make a technical increase, which the Comptroller considered was sufficient to exempt the work from the operations of the eight-hour law. This arrangement went into effect on the 1st of January, 1870, five months after the commencement of the work, and it continued from that time until Mr. Boutwell, in 1872, directed me to terminate that arrangement. Since that time the men have been employed at the rate of eight hours a day, and have been paid full market rates, as if they had worked ten hours a day, which a great many of the men have done, working continuously for ten hours and being paid at the rate of a day and a quarter for a day's work.

These claims that have been presented to your committee now, were presented before and referred to the Comptroller. The Comptroller holds that, while the Department cannot compel a man to work more than eight hours per day, and that when a man has worked his eight hours he has a right to stop work and to demand full pay, yet there is nothing in the law which prevents the man from working ten hours by mutual consent, any more than there is anything to prevent a clerk from working overtime in the Departments, for which overtime he receives no pay.

There has been another question raised which was referred to the Attorney-General: that is, the question whether the workmen employed on these percentage contracts are employés of the Government or of the contractors. I have the opinion of the Attorney-General here on

that question. It is very exhaustive and conclusive. I have also here the opinion of the Comptroller on the other points. The Comptroller has decided that there has been no violation of the law in the case of the workmen on the New York post-office, and that there is no money due them. The Attorney-General decides the same way in regard to the other question, so that as far as I am advised by the legal officers of the Department no law has been violated and there is no money due.

The CHAIRMAN. How much do they claim?

Mr. MULLETT. They claim an advance of twenty-five per cent. for the time they worked. They worked ten hours a day in the early part of the work, and they received the highest current market wages.

The CHAIRMAN. How much would their claim involve; what would be the sum total?

Mr. MULLETT. I should say it would run over a million of dollars. I think that if Congress decides in this one case, that the men are entitled to what they claim, the same principle will have to be applied to all the other public works, and will cost over a million dollars.

Mr. KILLINGER. The same question is involved on all the public buildings of the Government?

Mr. MULLETT. Yes, sir. The thing is simply a donation. It is so much money given to men who have already received the highest market rates for their labor. The case is entirely different from that which was presented to Congress before. When this eight-hour law went into effect the War and Navy Departments adopted the eight-hour system, and reduced the wages of the workmen twenty per cent., and would not let the men work more than eight hours a day, even if they wanted to. That was a real hardship, because it put all the men, the idle and the industrious, on the same basis, and cut down their income, without any consent on their part, twenty per cent. We pay now, when we employ a man eight hours and give him the full pay for a day's work, twenty-five per cent. more than men in the employment of private individuals are paid—men who are working right alongside of them and who are paid by contractors.

The theory on which the law was originally based was, that men would do as much work in eight hours as they would do in ten hours; but now they abandon that claim themselves, and do not pretend to say that they render equivalent service in eight hours for the pay which they receive for a day's work. Take the gang of men who are at work on the rigging at the New York post-office. All the iron-work there is put in place by the contractor for the iron-work. We furnish the derricks and work them, because we cannot have any strangers upon our derricks. We have got to keep our own men and be responsible for the derricks. Now, these men working on these derricks receive twenty-five per cent. over and above the market rates for labor for the same hours, that the contractor's men do.

Mr. STRAIT. Has that been your practice right along?

Mr. MULLETT. Ever since Mr. Boutwell issued that order, and that to day is our universal practice. The hostility to this eight-hour law in the different cities and among private contractors is much more intense than the committee has any idea of, and this puts me between two fires. I go to a town to have some repairs done on a public building, and I appoint a local superintendent, who is generally a master builder. Once in a while I find that he works his men the full ten hours, because he does not want to make a precedent which will injure himself as soon as he has finished the job. This law has certainly not benefited the workmen, and my own opinion is, (which I know will be controverted,) that the real workmen of the country do not want any legislation. On the

contrary, they want to see the public works progress, and they want to see appropriations made for them. They are glad to get employment on them, and they give me no trouble. Among the employes under my charge I have received the greatest kindness and consideration, and I believe the best feeling exists between us.

Mr. KILLINGER. From whom does this ill-feeling come ?

Mr. MULLETT. From the organized officers of these working associations, who do not do a day's work themselves, but who are living on the hard earnings of others ; men who wander around the country organizing strikes. Our own superintendents, who have had experience with the trades unions, can tell me when a strike is about to take place upon any of our works. They know many men go upon the work and who are, in fact, sent there for the purpose of organizing strikes. A superintendent wrote me the other day, telling me that they were going to have a strike on a building under the charge of another superintendent ; he knew it from the fact of men going on the work who he knew were connected with these trades unions. These paid perambulators, when they find work has been carried on by the Government which interferes in a slight degree with some of their theories, send one or two men and get them put upon the work, and in a day or two there is a strike.

We are paying to-day our bricklayers on the State Department building in Washington four dollars a day, the master-mechanics here having adopted a rule not to pay by the day's work, but to pay by the hour, so that instead of getting four and a half dollars a day they get four dollars. The bricklayer's association has ordered a strike on that building, but there is no strike yet ; two or three men who were put upon that building for that purpose have ceased work and have left, but their places have been filled. I can get to-day, in this city, a hundred bricklayers at the price I am now paying ; they come and beg as a favor to be put on the work. There is no trouble with workmen or mechanics ; it is only with these perambulators, who do not work themselves. There never has been any difficulty between me and the mechanics ; there is no class of men whom I have treated with more kindness and courtesy than mechanics and laborers ; if I had not I could not have got along at all. Mr. Graham, of New York, who made this claim first for extra pay on the New York post-office, was an officer of a trades union, and known to be such. He got upon the work long enough to make a claim, which was, in my opinion, all he wanted. I have been informed that parties have been organized in New York to get up this claim, and that for a long time they collected a dollar per month from every employe on that building, as he left the building at the end of his work, in order to compensate them for bringing these claims. These claims are not presented by the workmen themselves ; they are all put up. There is a claim-agent in this city who has made a good deal of money out of this legislation giving twenty per cent. to the employes in the Navy Department. He has been perambulating through the country advising workmen and collecting the names of employes on these different contracts under Government ; he is getting powers of attorney from men, and collecting these claims against the Government, with the understanding that he is to have a certain percentage of the claim if it is recovered.

I believe that this is about all the information I can give to the committee. This seems to me more a legal question than a question of fact. I admit that, up to a certain time, the men on the New York post-office worked ten hours per day, and were paid regular mechanics' wages therefor, but I claim it was by mutual agreement. I think it perfectly safe for the committee to assume that if the statements are made by

these men that they did work ten hours a-day, it is correct. I do not controvert that point, but this refers only to those who worked prior to January 1, 1870; from that time to May 15, 1872, the men worked and were paid by the hour.

Mr. STRAIT. How did the wages paid to these men correspond with the wages paid by private employers?

Mr. MULLETT. The wages paid by the Government are the same as are paid by private employers. The Department does not cut down wages until wages are cut down on private works, but endeavors to follow the market strictly. The difficulty in the matter is this: Congress expects me to perform certain work within a certain price, and it is very seldom that Congress even gives me the amount of my own estimates. In every case where Congress has accepted my estimate for a piece of work I have conformed to that, except in cases in which unforeseen difficulties have arisen, for which I could not be held responsible, as at St. Louis the Government bought a piece of property which, according to the testimony, would give a good foundation. I had no means of trying whether it would or not, as the property was taken by condemnation, and I had no right to go on the premises and bore. Now I have gone down some thirty feet, and find that we do not strike a good foundation, but that there are alternate layers of quicksand and blue clay, and I have no doubt whatever that we will be compelled to pile the whole foundation. I made no estimate for piling, and the cost will be extra. In order to be certain that no unnecessary expense is incurred in this case the Secretary of the Treasury has consented to the appointment of a commission of four of the principal engineers in the city to examine the plans and test the foundations, and see if we cannot avoid the necessity of piling. I have satisfied myself that we have got to pile, but I do not want to do it if any cheaper and better plan can be suggested. Then, besides, I have got to make my estimates upon market rates for labor, and if I am compelled to spend twenty per cent. more than the market-rates, I want due credit for that. If Congress makes a provision by law that I shall be entitled to twenty per cent. over estimates at market-rates in order to comply with the eight-hour law, then I will withdraw all objections to it, but I would suggest that the clerks, superintendents, and the Supervising Architect shall also be brought under the eight-hour law.

These men who come before your committee and ask extra pay are generally men who have been complaining of the increase of salaries to members of Congress and officers of the Government.

Mr. PERRY. You say it is not the workingmen who make the difficulty about the eight-hour law but the guerrillas who go about agitating the question.

Mr. MULLETT. It is the men who, as an organized body, are living on the hard earnings of honest industrious mechanics that make all this difficulty.

Mr. SPRAGUE. When your workmen are hired individually is there any understanding arrived at as to how the thing is to proceed?

Mr. MULLETT. In the original employment of these men on the New York post-office they worked ten hours a day and signed the pay-roll for their wages, and this continued from August, 1869, to January 1, 1870. There is no legal evidence to show that there was any special agreement, but the superintendent assures me that there was such a verbal agreement, and the fact that there was cannot well be denied, because, otherwise, the men would have objected to signing the roll the first pay-day. But the difficulty is that, under the present system, a

mechanic may sign a pay-roll admitting that he has received his pay in full of all demands, and that does not make an end of it, because, if he comes to Congress and presents a claim as a poor workingman, there is sympathy for him directly. It is not as in private life where a receipt closes the matter, there is no closing it here.

Mr. SPRAGUE. You claim that while these men were paid not, perhaps, strictly in accordance with law, they were paid in accordance with their contract.

Mr. MULLETT. Yes, and the Comptroller says that the law was not violated.

Mr. STRAIT. You paid in accordance with the understanding you had with the men?

Mr. MULLETT. Yes.

Mr. STRAIT. And none of these men objected at the time they were being paid?

Mr. MULLETT. No, sir; that the disbursing agent will be able to substantiate. General P. H. Jones was the disbursing agent at that time.

Mr. SPRAGUE. What length of time does this claim cover?

Mr. MULLETT. There is no specified time; they merely refer indefinitely to the pay-rolls of which they kept no record at the time. I do not believe, in my own mind, that these men ever intended to make such a claim at the time they went on the work. On the contrary, they were anxious to get work, and we were turning off men all the time and refusing to employ them. I have myself seen nearly a hundred men standing around the doors of the superintendent's office all day in New York waiting for a chance to do a day's work; and I saw among the laborers in the trench a man who was pointed out to me by the superintendent as a German physician, one of the most highly educated men. He was utterly destitute, and was down there in the trench working as hard as any one.

Mr. STRAIT. What is your opinion about the eight-hour law?

Mr. MULLETT. I have only one opinion about the law. I do not believe that it has benefited the mechanic or laborer in the slightest degree. I have tried to state my opinion in my report this year, and I can say that I have no feeling on the subject other than to perform my duty. If Congress were to take no action upon this report, and if I were to remain in office another year, it is my intention to make a recommendation to the effect that the demands of the trades unions be further complied with, and that all contractors upon Government work shall be compelled to work their men eight hours a day. This demand has been made, and I am satisfied that things cannot remain in their present condition. There is an antagonism on every job between the employes of contractors and the employes of the Government. They taunt each other, and quarrel, and in a few instances violence has been used. In Chicago the stone-cutters succeeded, after the great fire, in establishing the eight-hour system, and there I have no trouble whatever. I have no objection to the eight-hour law as it is applied in Chicago, because the wages of the workmen have been reduced in accordance with the reduction of time, and we are now paying stone-cutters in Chicago at the same rate as if they were working ten hours. The Government employes and the contractors' employes quit work at the same time, so that there is no controversy between them. But in all other cases, where the employes of the contractor work two hours more than the employes of the Government, there is great dissatisfaction, and employment by the Government is looked upon as a question of patronage.

There are men in this city now who are walking the streets, idle, rather than work ten hours a day. Many who come to members of Congress begging to be put to work are begging not so much for work as they are for eight hours a day instead of ten hours for labor. I look upon this demand for eight hours as a day's work as nothing more than a commencement of a series of demands that are to be made by these trades unions. I think it would be very interesting for this committee to get a copy of a report which was made some two years since by the select committee of the British Parliament on the subject of labor. I feel that this committee would be surprised to find to what a system this agitation has been reduced. There men are not permitted, in many if not all of the branches of industry in England, to manufacture articles in their line at their homes after they have done their ordinary work. When they have done their day's work and taken the pay which the society fixes for them, they must live on that pay or starve. A workman, for instance, cannot, after his day's work, use his leisure time at home in producing articles in his line, because the trades unions say that that is depreciating labor. So again, in this city and country, these trades unions declare how many boys shall learn a trade in proportion to the number of workmen that an employer has. First-class mechanics are becoming scarce in this country, and we are depending on Europe for our mechanics, and it is principally on this account that the scarcity of good mechanics arises. I think that there are no mechanics in the world equal to the best American mechanic. The best foreign mechanics who come here are not, as a class, equal to the best American mechanics. Boys come to me nearly every day begging, as a great favor, permission to learn a trade, because they cannot get a chance to learn a trade outside. These men have an idea that they are forced to restrict the number of operatives in order to keep up the price of work.

Mr. KILLINGER. Is that the theory on which they go?

Mr. MULLETT. That is the theory on which they go. They fix the proportion of apprentices, which varies in trades. If the employer should undertake to put on a boy to learn a trade in contravention of this rule, the men would strike. The whole thing is tyranny. I do not believe that if you could get the true sentiment of the mechanics you would find one-fourth of them who would really vote to sustain it; but the thing has grown up, and it is dangerous for any of the mechanics to attempt to change or oppose it.

A. B. MULLETT.

WASHINGTON COUNTY,
District of Columbia :

Sworn and subscribed to before me this 1st day of April, 1874.

W. H. FRAZIER, J. P.

NEW YORK, *March 6, 1874.*

Present, Messrs. J. W. Killinger, Horace B. Strait, and William P. Sprague.

JAMES CONNOLLY sworn.

By Mr. KILLINGER :

Question. What relation do you stand in to the workingmen's associa-

tion in the city of New York ?—Answer. I am president of the State workingmen's assembly.

Q. Please to go on and state to the committee what you know in regard to any violation of the law regulating the hours of labor in and about the construction of the New York post-office and court-house.—A. I only know what is reported to me by members of other organizations.

Q. All you know, is what you know from other people ?—A. Information derived from other sources.

Q. State what you understand the violation has been.—A. I have been informed that there were men employed as plumbers on this new post-office, that were employed at ten hours per day. I have also been informed that these parties were not competent plumbers. I have also been informed by the plumbers' association that they had protested in reference to this matter, but without any success whatever. I was also informed from the same sources that they understood a contract, or a kind of a contract, was given out to certain parties to do plumbing, and that this contract was to be changed into the hands of other parties on or about the first of January, 1874, and that the grievance of which they complained was that they were compelled to strike on this building on account of the demand to work ten hours.

Q. Has there been any new demand on them to work ten hours lately; have they not performed ten hours' work right along ?—A. They may have; I am not positive on that point; but if they have, I understood it was as extra time.

Q. You understood that, but do you know how the men understood it ?—A. I am only giving you what information I received from others. Personally I know nothing about it.

Q. Have you been at work on the building yourself ?—A. Never. The party I have been informed by is a man by the name of Coyle, a member of the plumbers' society.

Q. Have you given his name here ?—A. No, sir; simply because I didn't know his residence, and I suppose Mr. Blair will be able to accommodate you on that point.

Q. Do you know whether the plumber you speak of, that worked ten hours in violation of the eight-hour law, was hired by the superintendent on the part of the Government, or was he an employé of a contractor ?—A. I know they brought a communication into the workingmen's central council, and asked the central council to communicate with Congress on the subject, protesting against the requirements of the superintendent, that they should work ten hours a day.

Q. What I asked you was, whether you knew that the plumbers you spoke of that worked for the plumber, did work more than ten hours, or whether they were employed directly by the Government superintendent, or by a contractor who had work let to him on the building ?—A. I understand he was employed by the superintendent.

Q. Direct ?—A. I understand that to be the fact.

Q. Who was that that was so employed ?—A. I cannot say. I am giving you the names of the parties who gave me the information.

Q. Do you know anything about the manner in which these men have been employed; whether they have been employed by the day, or by the hour? Do you know anything about that, of your own knowledge ?—A. I would not say a word about that. They have such a peculiar way of doing business in these Departments that it is impossible for a man to answer unless he is employed on it. I was in hopes that your committee would have entered into an investigation on the whole subject of

the eight-hour law, because I find that on other buildings in this city the eight-hour law has been evaded.

Mr. KILLINGER. In regard to that, we have only this to say: our authority is limited under the resolution of instructions, and I would not, for one, feel that we were authorized, even if we so desired, to investigate each separate public building in the city of New York, or throughout the country. The petition you people sent to Congress specifies the New York court-house and the post-office, and when Mr. Cox introduced his resolution ordering this investigation, he confined it to the tenor of your complaint. Now, we are limited to that, and we are not at liberty to go into a general investigation of the eight-hour system in all its length and breadth. If you, gentlemen, want to open up that question, it is possible for you to do so; but it don't come within the scope of our instructions at this time.

Q. Is that all the information you can give us on this point?—A. Except the further information, as I understand from these parties—there were two sets of men employed at plumbing at the same time, one by contract, or some kind of a contract—I don't know how that is, except it can be explained by the superintendent—and others who are employed by the superintendent direct, by the day, I understand, or by the hour, I don't know how.

Q. Can you give us the name of the plumber of whom you have spoken, so that we can call him before us?—A. I really don't know, but I suppose we can get all the necessary information from putting the superintendent, or some of these parties in charge of the building, on the stand.

GEORGE BLAIR SWORN.

By Mr. KILLINGER:

Question. What relation do you stand in to the workingmen's association of the city of New York?—Answer. I am secretary of the workingmen's central council.

Q. Are you the first gentleman that sent petitions to Congress complaining of the violation of the eight-hour law on the New York post-office building? You forwarded them on behalf of your associates?—A. I did.

Q. Will you please go on and state what you know of any violation, or alleged violation, of the eight-hour law in and about the New York post-office building?—A. Nothing more than from hearsay.

Q. Hearsay is not evidence; but as we want to arrive at the real facts or grievances complained of, we will hear what you have to say on that subject.—A. About the 10th of last December the plumbers' delegation or representatives in the workingmen's central council called the attention of the council to the fact that their men were obliged to work ten hours, which they complained was in direct violation of the law of the nation, and I was instructed to call the attention of Congress to the matter. I continued my correspondence for a couple of months, until finally Mr. Cox succeeded in having the resolution passed which causes this investigation now, so far as I understood it. It is claimed by Mr. Coyle, of the plumbers, that there is one lot of men working eight hours, and another lot of men working ten hours, and they cannot understand this system of making a division in the employment of the men, and they further claim that the law of the nation, as I stated before, was violated; consequently this action, that I was ordered to communicate

with Congress; and further than that I don't know anything about the violation of the law.

Q. Than what these plumbers informed you? Where will we be able to find Mr. Coyle?—A. 247 East Thirty-ninth street.

By Mr. STRAIT:

Q. Did this complaint come from your association, or from working-men that were employed on the building, to you?—A. I will have to go into a little explanation first. The plumbers have a trades union in this city, and many of their members were employed on this building, and they were compelled to strike against this ten-hour system, but they were unsuccessful in forcing their men off of the work that were working ten hours. They looked into the law, and they considered that it was a violation of the law, and their delegation called the attention of the central council to the matter, with a recommendation that the secretary communicate with Congress, and cause an investigation.

Q. Then the complaint was really from the trades union?—A. From the trades union.

Q. Rather than from the men that were employed?—A. Yes, sir.

By Mr. SPRAGUE:

Q. The men did strike, did they not?—A. Yes, sir.

By Mr. STRAIT:

Q. But went to work again?—A. I don't know whether the same men went to work that struck, or not. I forgot to state that I do know a little more. I saw Mr. Graham last night, and he worked on this building, and he states that the law has been violated for the last two years, and he can prove it, and those are the people we want.

By Mr. KILLINGER:

Q. Would Mr. Coyle be likely to come on a mere notification from the committee, or will we be obliged to send a subpoena for him?—A. Since I received the telegram I put myself in communication with these people, and told them to be here to-day.

Q. You notified Mr. Coyle?—A. Yes, sir; I saw all the persons I possibly could, in order that this investigation might be facilitated; but we must have more time.

By Mr. SPRAGUE:

Q. What is the nature of this association with which you are connected; the object of it, and its mode of operation?—A. It is an organization composed of delegates from the various organizations in the city, and organized for the purpose of agitating questions in the interest of working-people. Any subject that any of the delegates desire to bring up, which is considered in the interest of the building, we are in duty bound to take hold of, if practicable, and to get it before the public and agitate it. That is our mission. Each organization is allowed from three to four delegates.

Q. As I understand it, the organization is composed of the trades organizations separately?—A. Yes, sir; the trades unions.

Q. And they unite together and have a central council?—A. A central body; that is it.

Q. They advise together and act, upon consultation, as a body?—A. Yes, sir.

By Mr. KILLINGER:

Q. In regard to this complaint that the plumbers' association brought

before the central council, did you, or did the council complain to the superintendent of the work in regard to this matter which you are now speaking of; did you bring it to his notice officially?—A. Not on this subject. We had experience at a former time, which gave us sufficient reason to know that it was no use.

Q. Did you make any representations to the secretary on the subject?—A. Not on this subject.

Q. On the subject of this complaint?—A. No, sir.

Q. The first complaint you made was sending the petition to Congress?—A. So far as our organization was concerned.

Q. Under which we are now here?—A. Yes, sir; but the plumbers' society took action before it was brought before the council.

Q. What did they do?—A. They had a communication with the Secretary of the Treasury.

Q. Did they communicate with the superintendent of construction here?—A. I don't know. I presume Mr. Coyle will be able to give you all that information.

Q. Is Mr. Coyle here?—A. He is in the city.

Q. He has had notice of this meeting?—A. Yes, sir; and there is no doubt he will be here.

Q. Your committee communicated with the President of the United States?—A. Yes, sir.

Q. Did they get any answer from the Secretary of the Treasury or from the President of the United States, or don't you know that of your own knowledge?—A. They have received from the Secretary of the Treasury acknowledgments.

Q. Who is head of this plumbers' association?—A. Mr. Gallagher.

Q. Is he accessible to us to-day?—A. I have not his address. When you see Mr. Coyle he will put you in the way of it.

By Mr. SPRAGUE:

Q. Is Mr. Coyle an official in the organization?—A. In the central council?

Q. Yes, sir.—A. No, sir; nothing further than a member of the standing committee.

By Mr. KILLINGER:

Q. Is this all that you can, of your own knowledge, give us on this point?—A. This is about all.

By Mr. STRAIT:

Q. Do you know anything, of your own knowledge, in regard to the hours of labor on the building here; whether it has been eight or ten hours; how the men have been employed?—A. I pass by here every day, and I see men at work at 7 o'clock in the morning and at work at half past 5 at night.

Q. And you suppose they were working ten hours?—A. Yes, sir.

By Mr. KILLINGER:

Q. You don't know whether they are employed by the superintendent directly or by the contractors who have work let out to them?—A. I don't know. We would like the committee to summon one or two witnesses from each branch of industry that is now working on the building.

W. G. STEINMETZ SWORN.

By Mr. KILLINGER:

Question. What is your occupation in and about this Government

post-office building?—Answer. I am appointed assistant superintendent.

Q. Do you know anything of the work being done on the building?—A. Yes, sir.

Q. In detail; for instance, the plumbers?—A. Yes, sir.

Q. Have you been here ever since the building was in progress?—A. I might say almost all through it, for I came on when the business was started. I was in Washington then, but I have been connected with it since it was started, more or less.

Q. In regard to the plumbing about which a statement has been made here, can you tell us the mode and manner in which that species of work has been contracted and let, and done on the building?—A. As to plumbing, I would like to have a statement made as to what is understood by "plumbing." There is various work done of that kind, such as running pipes—whether the water-closets and such work, and the connections with engines and elevators, and pipes, are embraced in plumbing, or are they a special kind? I don't know what is meant by "plumbing." There are various kinds of work, and I would like to know what they refer to. What I understand by "plumbing" myself is running lead pipes and building stands, water-closets, &c.; in fact, working in lead, and I may say the implements used necessarily in connection with leaden pipes, tanks, &c.

Q. State what you know of the work that has been done of that character?—A. Of that character, all the work here has been done under the control of the superintendent.

Q. It has not been sub-let?—A. No, sir; and we have hired, as we wanted them, one man, two men, and three men occasionally, as the work required it; fixing the temporary water-pipes, gas-pipes, and connecting the steam-pipes with the boilers; the engines with the boilers, &c.; all this kind of work, which we embraced in one job; and these men were all worked by eight hours, and paid by the eight-hour rule, and received the market-price of wages. If we had no work we suspended the men; if we have work we take them up again. We have two men now at work, which, of course, are working, as all the men do on the building, eight hours. They are running gas-pipes in the cellar, and temporary water-pipes as far as we need them. We have them on the top of the roof which we pump up the water in. The building is not in such a state now that we could have a plumber on the premises.

By Mr. STRAIT:

Q. What has been your manner of employing men?—A. We are hiring them by the day, but we pay them by the hour, because we cannot control the men in such a way that they work half a day or a whole day, and we pay them *pro rata* by the hour. If a man works half an hour we pay him for the same thing. If we work him eight hours, we pay him *pro rata* for what he works, and if a man works half an hour we pay him for half an hour; and if he only works a quarter of an hour, we don't pay him anything; we don't keep any account of that.

By Mr. CONNOLLY:

Q. Was there not a strike of the plumbers engaged on this building during the summer?—A. There was a strike once, but I don't know whether the men were plumbers or not. Men were striking here. I understood they were, but I could not tell you anything at all about it. If any parties which were employed by contractors are striking, that has nothing whatever to do with me.

Q. That is not a direct answer to my question. What I want to know

is this: was there a strike on this building by the men employed by this Department during last summer or fall?—A. No, sir, never; except the brick association, I believe, once were striking, if I recollect right, for the price of wages; but not under our control; no one employed here.

Q. Was there any contract-work done at plumbing, or was there any work done, except that done by this Department, by employing the men direct?—A. There was not, what I understand to be plumbing; no closets, no urinals, no wash-basins, nothing at all like that put in the building yet.

Q. What I desire to know is, if there were any plumbers or fitters. Plumbers sometimes do what is termed gas-fitting; what I desire to know is whether any men were employed as plumbers or fitters by others except by this Department direct; was there any sub-contract or special contract?—A. For actual plumbing?

Q. For actual work of that description.—A. For actual plumbing I could not say that anything else has been done. I did once start the work for water-closets, and stopped it again.

Q. At the time the plumbers had a strike here how many men struck?—A. I could not tell you, my dear sir; I don't know anything at all about it.

Q. Who employed in this Department can give us this information. in your opinion?—A. I don't know anybody; you can ask the superintendent, and perhaps he can give you better information, or the clerk.

By Mr. STRAIT:

Q. Did this strike interfere with your work. Did it take off any men from the work, so that it interfered with it?—A. No, sir, not at all; there was nobody to strike among the plumbers.

By Mr. CONNOLLY:

Q. You were employed in this Department at the time that the order was issued from Washington to commence eight or ten hours as a day's labor?—A. I don't know anything about this kind of business. I always understood that the men were working actually here at eight hours.

Q. Are you not aware that instructions came direct from Washington ordering the superintendent of this establishment to put the men to work on eight hours?—A. I remember one instruction in which it was said the men should only work eight hours. We used to work the men twelve and fifteen hours, and sometimes eighteen hours, when we had to do it; and then we stopped it entirely and went to work eight hours, and by so doing we cut off two or three hours' overwork which the men formerly made.

Q. When the first order was issued from Washington in regard to this eight-hour question on this building, did you not in this Department endeavor to keep on the ten-hour system until the first of the month?—A. I could not tell you that; I have no knowledge of that whatever.

Q. Did not a second dispatch come on from Washington ordering you immediately to go on eight hours?—A. No, sir.

By Mr. STRAIT:

Q. When you worked the men twelve or fifteen hours you paid them by the hour?—A. Always *pro rata*. If necessity compels it, we have men work till 11 o'clock at night, and as long as they can see by gas-light. We have sometimes trucks with tons of iron, and they have to be unloaded, and the hands have to be here.

Q. You pay those men by the hour?—A. The men are always paid.

Q. Do you employ any painters in this building?—A. No, sir. There is no painting to be done; they are what I would call primers.

Q. Have there been any painters employed on this building during last summer?—A. I don't call them painters. I would not expect any regular painter, what is called a mechanic, to be employed on such work.

Q. I desire to know what wages men were paid for that kind of work?—A. I do not keep a run of the prices, but I expect you can be told.

By Mr. KILLINGER:

Q. What hours are they worked?—A. They are worked eight hours.

By Mr. CONNOLLY:

Q. I ask you the direct question: Were the orders of the Department carried out, that eight hours should constitute a legal day's work, and the legal wages paid for such work?—A. To every man of the society you mean?

Q. I am not saying society or non-society.—A. All alike. You understand that a poor mechanic should be as well paid as the good one.

Q. Are we to understand by that, that the trades in this city working eight hours a day and receiving \$4 a day for eight hours, that you pay them in conformity with the principles of the mechanics in this city?—A. I believe the men are paid according to the demand of my society. What I understand is this: that, for instance, in your trade a painter, what we call in decoration, would not put himself down at regular market-rates. A painter of plain walls will get less than the first artist named; and a very poor painter, who cannot do anything except use a brush and shellac a wall, and afterwards paint it over, will not get as good wages as a good painter.

Q. You are not aware of the fact that the rule of this city is, that all painters shall get a certain stipulated price, and no less?—A. That I so understand.

Q. Are you not aware of others employing mechanics in this city that are paid by the day, half-day, or quarter, and not by the hour?—A. That is very likely, according to the parties who are employing them; that is their look out. Where one hundred and fifty or two hundred men, or five hundred men, are working, I believe it will be for the interest of the party contracting, or the Government, or whatever you might call it, if the men are kept at the most minute time—the authorized time to be paid by. A thousand men working, if they lose half an hour a day, it makes so many days; therefore, I would bring it down to the most limited point, to have the men paid according to the time they were working. If I should employ five hundred men or twenty-two men, and they are paid for a quarter of a day, if they would lose half an hour they claim a quarter of a day, that they lose that time. We limit it down to one hour, to save the Government as much as we possibly can. That is the way we do.

By Mr. STRAIT:

Q. Instead of docking a man a quarter of an hour or a quarter of a day, you dock him for the time he loses?—A. Yes, sir.

By Mr. CONNOLLY:

Q. If a man works an hour and a half he is paid for an hour and a half, and if he works two hours he is paid for two hours?—A. Yes, sir.

Q. Notwithstanding the fault may not be the man's; he may be required to be here and watch for the gentleman to come around an say,

"Go to work?"—A. That never happens here. There is no use to talk about that.

Q. Is that according to the instructions from Washington—the plan upon which you are working?—A. I don't know whether any instruction of that kind is in existence at all in regard to any Government work. I do believe it would be very foolish instructions; that is what I believe. Our men, I believe, don't complain here.

Q. Have you ever had instructions to pay them by the hour?—A. I don't know. That is out of my jurisdiction. I am only engineer on the premises, and I am speaking about how the men work. In regard to how they are paid, I have nothing to do with that.

By Mr. KILLINGER :

Q. Has there been any complaint by the men at work on the building that they have to work more time than the law allows? Do they complain of being overworked more than the law allows you to work them?—A. No, sir; the men are happy and glad if they can work sixteen hours. If I say to-night that work has to be done early to-morrow morning, I have all the men I want.

Q. There is no complaint that the law is violated in any of their cases?—A. No, sir; never.

Q. Do you pay any extra wages for extra time—any additional wages?—A. Not "additional." I pay extra wages for extra time. If a man is overworking himself, we give him all the money he requires for his time.

Q. Is there any contract-work, special or otherwise, being now done, or has there been done on this post-office within a year?—A. There is iron-work within a year. I believe that is about all.

Q. You mean the work is given out by contract?—A. Yes, sir.

By Mr. CONNOLLY :

Q. I mean the labor of doing the work.—A. Yes, sir. The contractors hire the men, and we have no jurisdiction over the contractors.

By Mr. SPRAGUE :

Q. The great bulk of the work is done by the day?—A. Yes, sir.

Q. Under the superintendence of the officials?—A. Yes, sir.

Q. And with those exceptions you spoke of, it is all done that way?—A. All done by the day.

C. T. HULBURD sworn.

By Mr. KILLINGER :

Question. Are you the superintendent in charge of the construction of the New York post-office building?—Answer. Yes, sir; and have been from the commencement of it.

By Mr. CONNOLLY :

Q. Do you employ all the plumbers by the day?—A. We have but one or two men that work at all at anything like that kind of work, and they have been employed by the hour.

Q. How many men were employed at that business during last summer and fall?—A. I don't think we have ever had more than two or three that we employed, and sometimes but one.

Q. Was there a strike of plumbers in this establishment during the summer and fall?—A. I heard that in this room to-day for the first time, as far as we were concerned. There never has been a strike with any we employed, or had anything to do with.

Q. Was there any special contract or any contract of any kind given out for the plumbing-work and gas-fitting and steam-fitting?—A. There has been on steam-fitting. On plumbing and gas-work, I understand, there has been a proposition made, provided the specifications are satisfactory, to the knowledge of our office. They have never reported here to do work.

Q. Who has charge of the plumbing department, and the gas-fitting and steam-fitting departments?—A. The steam-fitting department has by contract.

Q. How many estimates were put in for this work; and was the work advertised for proposals?—A. In the first place, my impression is—I don't speak from knowledge—there were two or three estimates put in.

Q. Was it advertised in the public press?—A. I could not say that it was, or was not.

Q. Who can give us that information?—A. Mr. Mullett, at Washington.

Q. In giving out this work, you say you don't know whether it was advertised or not.—A. I don't know that it was.

Mr. CONNOLLY. The question I asked the witness, Mr. Chairman, was in reference to special contracts; whether a publication was given in the press calling for estimates.

Mr. KILLINGER. We don't want to go into inquiries growing out of the contracts, except as relate to the number of hours the men were worked on the building.

Mr. CONNOLLY. I wish to show that the object in giving out those contracts was for the purpose of evading the law.

The WITNESS. The answer to that is that, perhaps, a dozen different individuals in this city came to this office with reference to this kind of work, and gave their views—their plans—and we referred them to the supervising architect at Washington, Mr. Mullett, and I understood their estimates and plans were submitted to him, and he came on here and examined what we wanted to have done, what was best to be done, and finally selected the plan and gave it to the person or persons who, on the whole, submitted the best plan, and one that was the most economical for the Government. If this other consideration that you named entered into it, it is entirely unknown here.

Q. I want to know whether there was a fair chance for competition—whether this work was advertised?—A. A great deal of work here is not advertised, but every individual that came into the room—and I think there must have been a dozen—was told precisely what we wanted; and he explained his object, and I and the assistant superintendent went out several times to see different engines and different plans, and the whole was then turned over to Washington.

By Mr. STRAIT:

Q. They submitted their plans here?—A. Yes, sir; some, I don't think, made estimates, but I know Mr. Mullett was here, and I pointed out to him one or two circumstances, and looked at machinery to see whether it was adapted to our use.

By Mr. CONNOLLY:

Q. When estimates are sent into this Department for any work, do you not receive those estimates as according to the plans laid down for you in the premises, and then submit them to the superintendent at Washington?—A. We receive them and make suggestions with reference to those plans, whether they are adapted, as we think, to the building—to the work, &c.

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Q. Then there was no chance given, except to those parties that called at this office—no publication given that estimates were to be taken on this particular work?—A. I told you I didn't know they were advertised. I don't think they were.

Q. Who does the advertising for that branch of business?—A. It would be done from here under instructions.

Q. You didn't do that from here, did you?—A. I don't recollect anything of the kind being done.

By Mr. KILLINGER:

Q. Do you know anything about the people that work here; whether they work more than eight hours a day, or whether the law is violated in any respect?—A. Of those that were hired by the superintendent!

Q. Yes.—A. I don't know of any violation.

Q. Whether there is any direct or indirect violation of the law in the employment of people about the post-office building?—A. I think, if you will allow me to go back a little, I can give you an explanation of it, how we get along, and the way we do. When I came on here four years ago last August, the Department proper had simply a clerk and three or four watchmen. The watchmen worked eight hours, and the clerk did what he could. A contractor upon this work, I don't remember at this moment his name, had several men at work. He didn't go along to our satisfaction, and, under advice from Mr. Mullett, finally that contract was canceled. The Government took it into its own hands, and we worked here day and night, having some 1,200 men upon our pay-rolls, sometimes eight hours off and eight hours on, and hence we kept our pay-rolls the moment they came into our hands by the hour, paying them for the hours of labor they did, some men working sixteen hours, and some working eight, and some working six. The system that was then adopted of hiring by the hour is kept up to this hour on our pay-rolls, and they show now that we hire our men by the hour, and that we pay them so much an hour. Some men necessarily work over eight hours, and some will work six, and some twelve, and some fourteen, and they are paid according to the time they work. That is the explanation of the way our pay-rolls are—in just the shape they are. We commenced that way, and we have gone right along that way, and never made any change.

Q. The men understood this right along?—A. I think so, and the pay-rolls show it plainly, and whenever they came in conflict with me, with the assistant superintendent, or the foreman, they have been told very well, receive so and so.

Q. You have never had any complaint from the men?—A. No, sir: the only strike we ever had that I know about, was in reference to the excavation, and it grew out of some night-work. They wanted an advance of wages of 25 per cent., or something, I don't know what it was, but it was night-work, and we had then working 1,200 men.

By Mr. CONNOLLY:

Q. At the time you commenced working eight hours, did not a committee go from this building to Washington in regard to that question?—A. I cannot answer that.

Q. Are you not aware that, after they commenced working eight hours on this building, a petition signed by the men employed on this building was sent to Washington demanding the extra pay for the time they had worked ten hours previous to that order?—A. In the first place, we never commenced working eight hours. We have always gone along as we had originally, and the order you refer to was that we should

only employ men eight hours, unless there was a necessity for it, and when that necessity existed we had a right to employ them.

By Mr. KILLINGER :

Q. And pay them for the extra time over eight hours ?—A. Yes, sir. I never did see a petition from those men employed on this work, and I have no knowledge of it, except from hearsay. They never came to this office, to my knowledge, and offered any petitions, except in one single instance, since I have been here, of a man that was only asking to work thus and so.

By Mr. STRAIT :

Q. Do you recollect the name of that man who refused to work unless on his own terms ?—A. No, sir, I do not.

Q. You discharged him, or he quit work ?—A. He didn't choose to work. At that time I think we had some men in his department. We were very desirous of getting a certain amount of masonry done before the frost set in, and we submitted it to the men, and asked them whether they would not work extra time. He refused, stating his society would not allow him to do so, and would discharge him if he worked one single hour over the eight hours. I said, "I will pay you for your extra time, as we want the work done, and we have only space for so many men to work." And his reply was, "I will be discharged by the society if I work over the time;" but I don't recollect at this moment his name. He declined to work, and he is the only one I know that ever has.

By Mr. KILLINGER :

Q. Did any of them object, when they got their pay, that they had been made to work over eight hours; or did they draw their pay for the extra time without complaining ?—A. I never heard of any complaint of that kind. Occasionally a deputation from the men has come to me in reference to the same matter.

Q. But no complaint of that kind, whatever ?—A. No, sir.

By Mr. CONNOLLY :

Q. How many orders did you receive from Washington in reference to enforcing the eight-hour rule at the time you did commence the eight-hour rule on the building ?—A. I think I told you we commenced on the start by the hour, and a year ago last summer the Secretary wrote me to employ the men only eight hours if we could possibly get along with the work, and I don't remember to have received any but that one communication.

Q. Will you swear these words were in it positively : "If you can possibly get along ?"—A. No, I don't think they were, because I have not looked at the order for a year, but the idea was—I gave him the reasons—we were trucking at the time very heavy pieces of granite and long pieces of iron, and it was hot weather, and the men who had the contract for drawing the iron and granite, with which we had nothing to do, complained that in the middle of the day they could not draw these loads; that the streets were obstructed; and they asked permission to come in at four or five o'clock and work in some cases up to nine. I made that statement, and it was in answer to that that I had this qualified direction.

Q. Did you never make a statement to this effect, that it would incommode this Department to change the hours of labor before the first of the following month ?—A. I presume that I did.

Q. And did you receive a reply to that, directing you immediately to commence the eight hours?—A. I don't think I did.

Q. Do you know of a daily paper existing in this city at that time called *The Union*?—A. I think I saw two or three numbers of it that contained some remarks complimentary to myself.

Q. Did you see an order of which I now speak, published in that paper signed by the Secretary?—A. No, sir.

Q. You did not?—A. No, sir; I did not.

By Mr. SPRAGUE :

Q. What wages have you paid? I suppose they differ, according to the amount and character of the work done?—A. Yes, sir.

Q. The wages of stone-masons?—A. Stone-masons; well, my impression is that it usually has been at the rate of \$4 a day, and there may have been some at \$4.50.

Q. Do you know how the wages compare with wages paid on private work?—A. My instructions have always been not to pay above, but to conform to the general rates; and repeatedly I have had instructions to inquire and see what they were paying, and to be governed accordingly, and that I have always done.

Q. You paid as much for eight hours' work as was usual for a day's work in the city?—A. Yes, sir. I don't know what the wages are in the city now for eight hours.

Q. Have you designed to observe that as rule all through?—A. Invariably. I think there never has been a variation from that, or attempted, except in a single instance. Last fall there was a little cutting we wanted to have done, and it was very cold, and I said to the men, "If you will take that by the piece, I will have it done now; and if not, I will wait for other weather;" and they said they could only make such and such wages, and it was stopped.

Q. When men were working over eight hours a day they have been paid at the same rate for the extra hours?—A. Yes, sir.

By Mr. CONNOLLY :

Q. What are the wages paid by your Department now to bricklayers for eight hours' labor?—A. My impression now is that it is \$4.

Q. What was paid by your Department during last summer?—A. There has been no variation that I know of.

Q. What do you pay for carpenters?—A. Our master-carpenter proper has lately received \$5; previous to that only \$4, because we had but three or four men working at that time, and I think now they are paid at the rate of \$3.50 a day, or 52 cents an hour; I believe some at \$4. It varies.

Q. You are paying just the same wages for eight hours, on this building, as they are paying through any of the other shops in the city of New York?—A. I don't know what they are paying at other shops.

Q. What do you pay stone-cutters?—A. We never had any. We never had but one or two, and they only temporarily, because our stone-cutting is done elsewhere.

Q. Where is your stone-cutting done?—A. It is done at Dix's Island.

Q. On what condition is the stone-work being cut there?—A. That work is through with. It was under contract, I think.

By Mr. KILLINGER :

Q. It was done through the Treasury Department at Washington?—A. Yes, sir.

By Mr. SPRAGUE :

Q. I understand you to say, in the first place, you were paying those men just the same wages that other mechanics receive in the city for the same work ?—A. That is what we suppose we do, and whenever there is a rise for mechanics on other buildings they commonly notify us of it, and we always pay them that.

Q. I understand you to say you were not advised as to what the price of labor is in the city ?—A. I said I didn't know what other shops were paying, but as we understand—for instance, I took the foreman the day before yesterday, under a suggestion from Washington, and said, "Do you know what is the price that is paid at this time for mason-work in this city ?" And he said, "Yes." That was last week. "Are we paying those rates ?" "Yes." That is all that was said.

Q. Do you employ these men directly, or do you have a foreman ?—A. There is a foreman, but the employment of the men is from this office, but sometimes the foreman wants a certain number of men, and we say, "If you know where they are to suit your specific purpose, get them."

Q. Do you make it an object to be informed as to the price of mechanical labor in this city ?—A. They notify their foreman, and he comes to us. We make inquiries occasionally to satisfy ourselves.

Q. It is proper for a man employing labor to know the price of labor going, is it not ?—A. We try to possess ourselves of that, as we do of other things we purchase.

Q. I ask you whether your advice as to what price you were paying was equal to that that was being paid in the city ?—A. I have supposed it to be so, in every instance.

By Mr. CONNOLLY :

Q. You had not made that inquiry last summer, except as the men made demands on you ?—A. We, more or less, always made it in the course of every three or four weeks; if there is any variation in the price of labor, several times in the course of a year or season.

Q. Who has had charge of the plumbing ?—A. We are not doing any plumbing now.

Q. Who had charge of your plumbing ?—A. The plumbers proper—two or three—whose names I cannot tell you at this moment, because we never had a master-plumber here. We had one or two men here to light our building with gas, and really he has been the only one we employed. We have no plumbers' pay-roll, or anything of the kind whatever. That is one of the workmen on the building. When we want any little change of our water-pipes or gas-pipes, we tell him to do it, and he does it.

Q. Who has charge of your gas-fitting or steam-fitting ?—A. Mr. Davidson, here, has had to do with the steam fitting and heating of this building.

Q. He is simply foreman over the work ?—A. No, sir. The work goes on under his direction. He is not our foreman.

Q. Whose foreman is he ?—A. He is the Government's foreman, if we have any such; but he is the man I said was employed by Mr. Mullett to put in this work.

Q. And you know nothing more about him than that he is employed here ?—A. He is a man I see every day, and he sits before you now. I know he has put in the heating and steam fitting and boilers.

By Mr. STEAIT :

Q. And that is done by contract ?—A. Yes, sir.

By Mr. KILLINGER :

Q. It is not done under your direction ?—A. It is under our personal direction, to see that it is properly done. Beyond that we have nothing to do with it than to see the material is good and the work is properly done.

MARSHALL T. DAVIDSON sworn.

By Mr. KILLINGER :

Question. Are you employed by the Government to superintend the steam-fitting arrangements of the New York post-office building ?—Answer. No, sir.

Q. What is your work ?—A. I am the contractor.

Q. Under the Government ?—A. Yes, sir.

Q. Employed by the Government to put in the steam-fitting ?—A. Yes, sir.

Q. Do you live in this city ?—A. I live in Brooklyn. My shop is in New York.

Q. You were employed by Mr. Mullett ?—A. Yes, sir. I made the contract with the Treasury Department to do the steam-fitting and ventilation of this building.

Q. Did you know Mr. Mullett ?—A. Yes, sir.

Q. He gave you the work to do ?—A. Yes, sir. I made a regular contract, and furnished bonds.

Q. Were there bids taken ?—A. Yes, sir. I made a bid for the work.

Q. Were the bids advertised ?—A. That I cannot say.

Q. How did you come to make a bid ?—A. I was asked to make a bid.

Q. By whom ?—A. By Mr. Mullett.

Q. Were there other bids put in at the same time you put in your bid for that work ?—A. That I do not know. I would not see them if there were, you know.

Q. You have the entire charge of that branch of the work going on here ?—A. Subject to the supervision of the superintendent of the building here.

By Mr. STRAIT :

Q. You are putting the work in in accordance with specifications furnished by you ?—A. Yes, sir ; and drawings.

Q. And those, of course, are on file ?—A. They ordinarily are, at Washington, and the drawings. My working drawings are always tracings ; they don't soil so readily, and the work is progressing under these plans.

By Mr. KILLINGER :

Q. Does any part of your contract relate to the hours of labor ?—A. No, sir.

Q. Is there any limitation put on you by the Government in regard to the hours of work ?—A. No, sir ; I work my own men to suit myself. I run my own shop to suit myself, and when I cannot do it I will shut it up.

Q. So the Government has no control over the men you employ ?—A. No, sir.

Q. Except that the work is done in a satisfactory manner ?—A. Yes, sir ; and I employ good men, and pay them the highest wages, and use them as I would like to be used myself ; and I expect them to do as I tell them to do, as far as consistent.

By Mr. CONNOLLY :

Q. Did you ever have any specifications or plans submitted to you when you made your estimate ?—A. No, sir.

Q. You never did ?—A. Yes, sir ; I had plans, but not specifications.

Q. You were not aware of any advertisement of those plans calling for estimates on the work.—A. No, sir.

Q. What is your estimate ? Is it for doing a certain amount of work ; or is it an estimate to furnish a certain amount of material at such a price ; and is it an estimate to charge so much a day for the men you furnish ?—

A. I don't think I have any business to answer that, but I will answer it. I will qualify my previous answer by saying specifications were furnished me. I am doing the work as by those specifications and drawings, placing in a certain coil *here*, containing so many feet of pipe, made in such a manner ; another one *here* ; a boiler *here* ; and the boilers are set in such a manner ; stating, in the stipulation, the thickness of the wall, which, of course, always settles the quality of the work, and a complete heating apparatus, for so much money.

By Mr. KILLINGER :

Q. So much per lump ?—A. Yes, sir ; the same as any other contract. If a man contracts to build you a house for a certain sum of money, subject to certain specifications, that is a contract.

By Mr. STRAIT :

Q. These contractors figure these up by the foot, and after the contract is all completed the contract is made as a whole ?—A. Plans were furnished showing the complete heating apparatus. The specifications explain the services, and give the details of each valve, and boiler, and pump-fitting in its proper place ; and the estimates were based upon that, and the figures were made upon that, and were satisfactory to the Department.

Q. You would have to figure the size of the piping, &c., and when you figure it all up it is submitted in a lump ?—A. Yes, sir ; to do so much work costs so much money.

By Mr. CONNOLLY :

Q. You didn't put in any estimate for doing so much work by the day—charging by the day for your men ?—A. No, sir.

Q. You have no bill against the National Government for days' work ; or have you ever billed them for days' work ?—A. No, sir.

Q. Nor by the hour ?—A. No, sir. I have no bills against the Department, that I can remember just now, outside of this building.

Q. You have nothing on this building, have you, for days' work ?—A. None other than my contract.

Q. Have you billed the Government for days' work on this building, or have you any bills now pending against the Government for any days' work on this building ?—A. No, sir.

Q. Or by the hour ?—A. No, sir.

Q. You receive no compensation other than your contract for a certain amount of work ?—A. That is all.

Q. You receive no percentage ?—A. No, sir. I have just told you I made a contract with the Government.

Q. Do you receive any interest other than that specified in the specification ? I ask you whether you receive any percentage for the work done—whether you receive any remuneration, by day or hour, for yourself, as superintendent of this work ?—A. No, sir.

Q. And no interest other than that specified in the specification ?—A.

I am building some tanks for this building with my own boiler-maker. That is all outside of my heating-contract.

Q. Do you charge the Government by days' work, or have you put in any specifications for that tank?—A. Certainly. Plans and specifications were furnished for the tanks.

Q. Do you charge the Government by days' work or by the lump?—A. I charge them by days' work. I make out a bill against the Government for so many pounds of iron in those tanks, so many days' labor, and they work ten hours.

Q. Have you charge of any of the plumbing?—A. No, sir.

Q. Have you ever had on this building?—A. I put in sewer-pipes on this building. They had to go in to get a steam-fitting apparatus. That is not plumbing.

Q. I ask you whether you have ever put in any lead-pipe, or any plumbing?—A. No, sir; no plumbing.

Q. Have you charged any days' work for any such pipe that you have put in?—A. No, sir.

Q. Nor by the hour for this pipe, nor by the pound? Have you charged by the pound for the material?—A. It is not likely I will give it to them. I have put in the material and charged them for it.

Q. You furnished a certain amount of pipe on this building, for which you charge the General Government so much a pound, or so much a foot, for a certain sized pipe?—A. Certainly.

Q. How did you charge the Government for the labor of putting in that pipe—days' work?—A. By the day.

Q. You did charge by the day?—A. Yes, sir.

Q. How many hours a day did the men work on this work?—A. How much would you expect men to work, working during the winter? These men worked, on an average, eight hours a day.

Q. I ask you what they did work. Did they work ten hours?—A. They were supposed to work ten.

Q. That was your understanding with them, that they were to work ten hours?—A. That is what I hired them for.

By Mr. KILLINGER :

Q. This work that you were doing in this way, for which you hired these men, was that allowed to you?—A. I will explain that. In the first place, to start the heating apparatus in this building, I could have stuck the heating apparatus in anywhere, according to the plans. The cellar bottom of the building is situated so far below the street sewerage that it necessitated the placing in of the sewerage pipes in order to compel the steam-heating pipes to give way. Had any other man come into this building to do this work, I should not have paid any attention to him; I should have run my pipes in the shortest possible direction to conform to the specifications, and do them well. Then, getting in the sewer-pipes, I either would have had to cross my own over or below—they could not get over—and it would have made bad sewerage, and the Department, seeing that, might authorize the placing of the sewer-pipes by the steam-heating contractor; and I think it was a very good dodge of the Department, for it compelled him to make his contract give way to the sewerage of the building. That is all I have had to do with the plumbing.

Q. These tanks you speak of, that you employed men to work on, how did you get that work? Was that necessary to your contract?—A. It is necessary to the carrying out of the contract.

By Mr. STRAIT :

Q. But was not included in the specification you bid on before?—A. No, sir.

By Mr. KILLINGER :

Q. That is the way you had to employ men to do it—by days' work?—A. My own men, I have on my own steam-heating contract; I employ one or two of them on that.

Q. In order to carry out your contract, you assigned some of your men to work ten hours?—A. Yes, sir; they worked ten hours.

By Mr. SPREAGUE :

Q. In regard to this particular work, was it in carrying out any bargain or understanding with the Government; or did you come and do it, and then make a charge for it?—A. No, sir; the officers of the building here called the attention of the Washington officials to the necessity of putting them up, because they have got to be made, the steam-pumps, and these steam-pumps are included in the heating-contract. These same pumps have to do double work, heating and supplying the building with water.

Q. Did you furnish the pipe and the material at its cost, or its cost and profit, and then charge the Government so much per day for the labor of the men that did the work?—A. The iron has to go to my shop to be shaped, and, being so large, it could not be put on in one piece. The building has to be so far advanced that the trusses, &c., over the pavilions where the tanks rest have to go in by the piece, and the parties who ship the tanks have to rivet them up and complete them.

By Mr. SETAIT :

Q. This comes in in the nature of extra work that was found to be required?—A. It is tributary, really.

Q. The Department found it necessary to have these irons, and you were employed to put them in?—A. Yes, sir.

By Mr. CONNOLLY :

Q. As this work has been done by days' work, and material furnished the Government at so much a pound for this boiler-iron, I would ask whether you have billed the Government already for this work?—A. It is not done yet; there are three of them about done.

Q. No price set for the material that you agreed to furnish the Government, was there?—A. Yes, sir.

Q. What was the price set for the iron?—A. Just what it cost.

Q. I ask what is the cost of the iron to the Government as furnished by you?—A. I will give you that answer very freely. It does not exceed five and a quarter cents a pound. For the angle-iron, the boiler-iron, and the rivets, I think it will average five cents. If you can beat that price, I would like you to tell me where.

Q. Did you have any strike on your work during last summer of the men in your employ?—A. No, sir; I did not.

Q. Were you aware of any strike that took place, in the building, of plumbers, during last summer?—A. No, sir.

Q. Have you heard of such a thing?—A. No, sir.

Q. Or of any men working on the lead or iron work?—A. No, sir.

C. T. HULBURD recalled.

By Mr. STRAIT :

Q. You heard Mr. Davidson's testimony?—A. Yes, sir.

Q. The specifications of this work that he speaks of were in this office here subject to him, were they? That is, he had access to the specifications?—A. Yes, sir.

Q. Those specifications were subject to the inspection of other men as well as him, were they not?—A. I think the specifications he refers to he got up himself.

Q. The specifications that the architect from Washington, Mr. Mullett, furnished, I understand you to say some six or eight or a dozen men came in here and examined?—A. No, sir; they came in and inquired about the work, and what was wanted, and, as far as we could, we gave the information, and told them to prepare their plans or specifications, and they would be submitted to the approval of the Supervising Architect at Washington, Mr. Mullett.

Q. Mr. Davidson says he had specifications to bid on?—A. I think he prepared them himself. Of the general idea of what was required Mr. Davidson had the same information that others had, and no more; and others had the same as he had.

JAMES CONNOLLY recalled.

By Mr. STEINMETZ:

Q. Have you any rule in your society, by which members are admitted, in regard to their ability in the trade?—A. We have.

Q. Will you be kind enough to let me know how the rules are established?—A. I will. He shall have worked at least five years at the trade. I am speaking now of my own trade, that of a painter.

Q. I am asking you now as an officer of the organization.—A. The trade that I belong to says that a man shall be required to have worked at least five years at the trade, or have served a regular apprenticeship. Sometimes when an apprentice does not serve but three or four years, and where a man comes into a trade without having served a regular apprenticeship, where he has been proved before the organization to have worked five years at the trade it qualifies him to become a member. Those are the qualifications.

Q. Could you give me any information in regard to any other trade, because you must have some rules in your association?—A. The brick-layers, as I understand, plasterers, and stone cutters, have an apprentice-law of their own.

Q. Are the members of the trades union as mechanics allowed, or have they a right, to claim all the same wages?—A. Some branches set a price upon their labor, and the members of the organizations are supposed to receive no less than that price. Their employers can give them as much more as they please.

Q. The employer has a right, above the limited amount that the society sets, to pay more if he wants to?—A. Yes, sir.

Q. But no member dare work for any less?—A. I am speaking of the rules of the organization. Some men dare do a great deal. As members of the organization we set a price on our labor.

Q. Is there a rule in your society that a member should have more or double the amount for working over time?—A. Some trade organizations for all over-time demand double price.

By Mr. SPRAGUE:

Q. Is eight hours' work a day's work throughout the city? Is it so considered among all mechanical trades and laborers that eight hours is a day's work?—A. With the painters, carpenters, plumbers, plasterers, brick-layers, and stone-cutters—those, I believe, are in the building line—

and the laborers in the building line, and stone-masons, as a rule, eight hours a day is a legal day's work, and they endeavor to work by that rule. That is the rule of our organization.

By Mr. STRAIT :

Q. Is that the practice here ?—A. It is the practice among these organizations.

Q. Is it the practice among employes ? Is it the practice among master-builders ?—A. I understand it is. There may be little shops that employ one or two men and five or six boys. Now, for instance, at painting, they will go into a house away up in Harlem, and run it down without being painted, and afterwards a painter is called in to finish this work. Those men may work twelve or fifteen hours, for all I know, but they are required by the rules of the association to work no more than eight hours a day without demanding double pay for all over-time, and it is generally acceded to by all good employers in this city. I can think of none now that don't accede to it.

By Mr. SPRAGUE :

Q. Is eight hours a day the rule for all mechanical labor and laborers also ?—A. In the building line it is.

Q. In the society and out of the society ?—A. In my own trade I know probably 400 or 500 men that are not in the organization who are working the same as those that are in the organization.

Q. What portion of the mechanics of the city are embraced within the organization ?—A. That I beg leave to decline answering. My reasons for not answering that question are: our trade organizations in this city are organized in a peculiar way for the necessity of securing their demands.

W. G. STEINMETZ recalled.

By Mr. CONNOLLY :

Q. Are the men employed on this work all competent mechanics ?—A. Every mechanic employed is a competent mechanic.

Q. Are all the men employed at the mechanical branches competent mechanics ?—A. Do you want to say that I shall employ painters for \$3.50 a day, while I can employ men at \$2.25 to do the same work ?

Q. I am speaking of other branches than painters.—A. Yes, sir.

Q. They are all competent mechanics ?—A. Yes, sir.

JACOB C. GRAHAM sworn.

By Mr. KILLINGER :

Q. What is your employment ?—A. I am a brick-layer by trade.

Q. Where do you work ?—A. At present in Williamsburgh.

Q. Have you ever worked on the Government work ?—A. Yes, sir.

Q. On this post-office building ?—A. Yes, sir.

Q. When ?—A. To the best of my recollection, it was the latter part of April, 1872; somewhere about the middle or the latter part of April.

By Mr. SPRAGUE :

Q. For what length of time ?—A. About two weeks, I think, according to the best of my recollection.

By Mr. KILLINGER :

Q. You were only employed two weeks ?—A. Only about that time, to the best of my knowledge at present.

By Mr. CONNOLLY :

Q. State what you know as to a violation of the eight-hour law on this building, and state when.—A. I know that during the time I was here it was violated.

By Mr. KILLINGER :

Q. Previous to 1872 ?—A. Not from actual experience, previous to the time, in April, 1872, when I was employed, but I have seen the men working previous to that time ten hours a day. I stood on the sidewalk, and watched them. But during the two weeks I worked here I worked ten hours a day on it, and every other man I saw working on the building worked ten hours a day.

Q. Who employed you ?—A. I was employed by Mr. Steinmetz, I believe. One of the members of the republican party in my district got me employed here. I believe it was Mr. Steinmetz or Mr. Hulburd—I cannot say which. They saw and got the employment for me from —

Q. What were your wages ?—A. \$4 a day.

Q. And to earn those \$4, did you work ten hours ?—A. Yes, sir, I did. That was two hours more than I was actually entitled to work under the law.

Q. What is the reason you left in two weeks' time ?—A. I was discharged.

Q. Why ?—A. I know no other reason than because I was instrumental in asking for eight hours a day on this building. Several of the men employed on the building were determined to ask for it, and at a meeting held in the yard here they selected me as chairman, and authorized me to get up a petition or memorial to receive the signatures of the men employed on the post-office. I did so. To the best of my recollection, there were a hundred and thirty-five or a hundred and forty signatures of men, in all branches of business, employed here on that, written by themselves. When we received all the signatures we could get to it, there was a gentleman by the name of McLaughlin, a bricklayer, and a man by the name of Michael Dody appointed to come into this office and see Mr. Hulburd, and present him with the petition, and tell him what it was for. We got as far as the outside office here, and the messenger-boy, I think, came in and stated to Mr. Hulburd that there was a committee of the men employed on the post-office waiting to see him, and the boy came out afterward and told us Mr. Hulburd told us to go about our business; that if we wanted anything we could come and get our money and clear out. That afternoon, at 4 o'clock, to the best of my recollection, I was told by Mr. Ledan, the foreman of the masons, to come down to the office and get my time. I came down and got my pay for the time I worked, and was discharged. I asked Mr. Ledan previous to this what I was discharged for, and he said he didn't know. I asked him if he had any fault to find with me as a mechanic, and he said "No;" that I was as good a mechanic as he had on the building.

Q. Was any one else discharged on the building ?—A. Yes, sir; I think Mr. Dady was discharged, and some other men whose names I don't recollect. Then in a day or two after that—two or three days expired between the time we got up the petition and collected money from the post-office, and I was selected as one of the committee to go to Washington and see President Grant; and I went and had an interview with him on the 29th of April, 1872, and he gave the committee a card of reference to Secretary Boutwell. He handed it to me; and Mr. Boutwell was out of town—out of Washington at the time, and to the best of my

recollection he returned on the 6th or 7th of May, 1872. Immediately afterward I went to see him, about ten o'clock that day, and had an interview with him. I handed him a written statement, and this card of reference which President Grant gave me, and made a verbal statement to Mr. Boutwell of how things were conducted here and told him the law was violated here; and in answer to me he told me right directly there that the statement I made to him and the written statement was entirely different from the statement that Mr. Mullett had made to him. He stated to me there that it was represented to him that they were working the men ten hours a day on the post-office of this city to get one story of the building completed by the time the lease of the old post-office in Nassau street should expire, so that they could occupy it; and he sent down stairs looking for Mr. Mullett, but he was absent in New Orleans, I believe, at the time, or was out of town, and in his absence Mr. Rankin answered the same general purpose. He came up stairs and they had a conversation between them, and the nearest I can recollect Mr. Boutwell's words is, he stated it was an injustice both to me and the men for the Supervising Architect to make such representations to Mr. Boutwell. Then he said to me, "Mr. Graham, you can return home to-night, and you can rely on it that I will attend to this immediately, and will have the law enforced on the post-office." He said, "The same train that will take you home to-night will have the order that I will send immediately to Mr. Hulburd to New York, or which I will cause Mr. Rankin to have forwarded." To the best of my recollection that is what he said. As to the other portion of the affair, I stood here around this place according to the instructions I received from the men here, waiting to see if the law was enforced here, and it was about the 15th or 16th of May following that the law was put in force on this place here.

Q. Since that time you know nothing of it?—A. I know nothing of it for I have not been here.

Q. When you went on there in April, 1872, did you go on to make a demand for extra pay?—A. I went afterward in company with another gentleman.

Q. Was your object in getting work here to make a claim for the extra time?—A. No, sir; I came on here the same as any other man; I had no such idea in my head.

Q. Who employed you?—A. I believe it was Mr. Steinmetz.

Q. Were you told that you were to work eight or ten hours?—A. There was nothing said to me about the time.

Q. Did you work two weeks before you made a complaint?—A. I cannot say whether it was two weeks or a shorter length of time. It might have been a day or two over. I don't think I worked here over two weeks. That is the best of my recollection about it.

Q. You didn't make the claim for extra pay until you were discharged?—A. I didn't make it personally; the other men on the building did.

Q. Was that your object in going to Washington?—A. I was sent there as one of the committee. That was the object of my going there. I was sent there by the men on the post-office.

Q. To make a claim for those two hours?—A. Yes, sir.

By Mr. SPRAGUE:

Q. When you went to work, did you know a day's work was eight hours?—A. I knew the Government said it was.

Q. How often were you paid?—A. Twice a month, I believe it was. I think I got two pays.

Q. Then you got work more than two weeks?—A. I don't exactly recollect, but that is the best of my recollection of the time. I would not state positively that it was two weeks or over.

Q. Did you remonstrate with any one about this being two hours over a day's work?—A. Yes, sir; I did.

Q. With whom?—A. With the men on the building.

Q. With your employers?—A. There would be no use doing that, because they would not listen to me.

Q. Did you come to speak to any one about it?—A. Yes, sir; I did, with a petition signed by a hundred odd men working on the building, and I would not be allowed inside the door. I was sent word that if I wanted anything I could send word, and I was discharged that evening. I can say there is not a better mechanic in my business in the United States; and I further state that if there was any person entitled to work on this building, I was as much entitled to work on it as any man, if political reasons entitle a man to work on it.

By Mr. KILLINGER:

Q. When you got your pay, did you complain that you were working ten hours?—A. Not at all; I didn't.

Q. Did you take your pay without making any complaint?—A. Yes, sir; the same as the rest did.

By Mr. SPRAGUE:

Q. You didn't say anything in reply?—A. No, sir.

By Mr. STRAIT:

Q. Didn't you know when you commenced work that the men were working ten hours?—A. Yes, sir.

By Mr. SPRAGUE:

What were men of the same mechanical labor receiving per day for wages at that time on other jobs?—A. Outside employment?

Q. Yes.—A. Four dollars.

Q. For eight hours?—A. At that time it was not a general rule that the mechanics in my business were receiving pay for eight hours a day; not previous to that it was not. At that time they were receiving it for ten hours.

By Mr. HULBURD:

Q. Do you know to whom you applied when you came here for work: was it to me, or did you do it through some other person?—A. I done it through Mr. Archibald and Mr. Coffin, members of the Twelfth assembly general committee.

Q. Did you have any conversation with me personally on the subject?—A. No, sir.

Q. Did you authorize that committee to say to me that you only wanted employment here for a couple of weeks, and then you would take care of yourself?—A. No, sir.

Q. Do you know they said that to me?—A. No, sir.

Q. That you wanted to get on for a couple of weeks. I said I knew you were a society man, but this was Government work, and notwithstanding, if it would gratify you a couple of weeks, I would let you come on. The time was no longer asked than that, so that if you were dropped, as you say, it was at the expiration of the time that the committee asked me to employ you, without any reference to the hour, which never was mentioned.—A. I have never authorized any person, or I have never asked any person, either to get me employment on this

building through you, or any person connected with it, for the term of two weeks, or any other time.

Q. When you were dropped the matter came up that you were here the time that you asked to be employed, and you were not dropped by me with reference to the eight hours, for that matter had not then been agitated to my knowledge, but the time you asked for you had worked. Now, I will put one question further to you : Did you not, while here, spend a portion of your time in getting men around you and haranguing them with reference to the eight hours ; and, secondly, did you not gather, or were you not concerned in gathering, up money from them while on the premises ?—A. When you qualify your question in a proper way I will answer it. You used the word “haranguing.”

Q. Well, I will say talking to them.—A. I spent a portion of my time that way, but the portion of the time I did spend was when I was not working on the building ; it was at dinner-hour and in the evening after I quit.

Q. Now, in reference to the collection of money ?—A. I never collected a dollar from a man on the building.

Q. Were you a member of a committee that did collect money ?—A. No, sir. I never was a member of a committee to collect money on the building.

Q. Of the men that were employed on this building ?—A. I stated to the committee a moment ago that I was a member of a committee appointed to wait on you in this office.

Mr. HULBURD. I say I never sent such a message in the world.

WITNESS. Then your boy carried it out to me.

Mr. HULBURD. I may have said in reference to a petition, that I could not meddle with it, that it should go to Washington, but I never sent a message of the kind that you speak of.

C. T. HULBURD recalled.

By Mr. GRAHAM :

Q. On the day myself and the other two gentlemen who were appointed a committee by the men on this building came to this door, and your messenger came in, didn't the messenger belonging to this department come in that day to you and state that a committee of the men on the building wished to see you ?—A. I am not aware that anything of the kind took place unless I was engaged at the moment ; for any committee that came to me at a proper time was always received and entertained.

Q. Did he not come in that day and state to you that we were there and wished to see you ?—A. I never heard before that you were at that door and wished to see me.

By Mr. CONNOLLY :

Q. When you received this order from Washington, or when this order was received from Washington, that order was to order this department to commence working eight hours ?—A. I understood it so.

Q. A copy of that order was published in the Union at that time ?—A. Yes, sir.

Q. This department refused, I believe, to go on the hours according to that order, and a dispatch was sent from here to Washington to that effect ?—A. You have reference to the order that was posted in the yard here, signed by Mr. Hulburd ?

Q. I have reference to the order that was issued in Washington, at the time you went on, ordering this department, on your representation

that they were breaking the eight-hour law. I have reference to the order from that Department to this, ordering them to commence working eight hours.—A. I answered that—that Secretary Boutwell said he would authorize or have it sent on immediately.

Q. Are you not aware that this department refused to enforce the eight-hour law, according to that instruction, and that a telegraphic dispatch was sent to Washington relative to the refusal?—A. Yes, sir. I will state how that was. There was such a dispatch sent, and it was sent by me. I will state here, as I stated before there: it was to see if the law was put in force; and the second day afterward the men were to work at the usual hour, seven o'clock in the morning, and stopped working at six.

By Mr. KILLINGER:

Q. Continued to work ten hours, did they?—A. Yes, sir; and I telegraphed it to Secretary Boutwell myself, and the answer was or the substance of it was, this: "Business of office will not permit the change until the 15th of the month. Respectfully yours, George S. Boutwell."

Q. Do you know whether a change was made on the 15th of the month?—A. All I can say about that is that the men went to work at eight o'clock then. I am satisfied the law was put in force then.

By Mr. CONNOLLY:

Q. When that order was sent on and your telegraphic dispatch went on to Washington, that the order was not enforced, and the second dispatch was sent, was there not a dispatch immediately sent stating the law must be put in force on Monday morning, and was not the law put in force the following Monday morning, without waiting for the 15th?—A. Not to my recollection; it was not.

(The above witness having left the stand, was again recalled, and testified as follows:)

C. T. HULBURD recalled.

WITNESS. Secretary Boutwell said the order should come over with me. There was no order here. The next day I had no information from Washington whatever. The second morning after I did get a letter or the order saying the men should work eight hours, or eight hours was a day's work, and not to work them overtime. I then replied to that and asked that I might not be required to enforce it until the 15th, for reasons which I gave. The answer came back, "You will comply with the order on the 15th," or "Your request is acceded to if you will comply with it on the 15th;" and on the morning of the 15th the order went into force, and that is the reason it was not received until the third day. When I got that I wrote to Washington and stated the reason I desired it might be postponed until the 15th; and the answer came back, "You can do so," and I issued the order the day before, that on the 15th the work would be thus and so, commencing at 8 instead of 7 o'clock. There was not a particle of delay in complying with the order.

JOHN C. GRAHAM recalled.

By Mr. CONNOLLY:

Q. Do you know who holds the correspondence which took place at that time between the parties here and the Department at Washington, relative to this question?—A. I believe I do.

Q. Do you think you can possibly get those orders or correspondence?—A. Yes, sir; I think if I was to search through my trunk, that

I keep for the use of letters and dispatches, I could find it. I am not positive, though.

Q. Do you know of any men being employed as bricklayers on this building that were not competent mechanics?—A. During my time here, you mean?

Q. Or since?—A. The way I judge of a mechanic is when I am looking at him working. I have seen some men working on this building that were not competent mechanics.

By Mr. KILLINGER :

Q. When you were working here yourself?—A. Yes, sir; I have seen men working here that, if I was an employer, I would not give them 50 cents a day.

Q. When you were working here you were receiving pay for ten hours and worked for the same price that was received from employers on contract-work?—A. Yes, sir; \$4 a day.

Q. The eight-hour law was at work in the city—throughout the city?—A. Not in every case. There was an interval, from 1868 to 1872, that mostly all the bricklayers worked ten hours.

By Mr. SPRAGUE :

Q. To what extent is the eight-hour law in operation in this city now?—A. I don't know of an employer in my business that asks or expects their men to work more than eight hours a day. The effect the violation of the law on this building had on the mechanics of New York was disastrous to them as far as obtaining eight hours for a day's work was concerned. In two or three weeks or a month previous to the time I came to work on this building, I was one of a committee from the bricklayers' organization in this city to ask the bosses to give us eight hours a day without having resort to strikes. The exchange is at the corner of Park Place and Church street, and on leaving that place (a great many of them I am on friendly relations with) and walking up the street I asked one of those gentlemen if it was possible they were trying to fool us all the time coming down here. He said "Come and take a cigar," and we went into Bangs's restaurant, and I had a cigar and he a glass of cider, to the best of my recollection, and he caught me by the collar of the coat and said, "Do you see that building over there?" and I said, "Yes, it is growing out of the earth very fast." He said, "When you get eight hours a day it is time enough for you to talk to us about it; when the Government won't give it you can't expect the boss masons of New York to give it to you." And I do believe it was the cause of a great deal of the trouble we had in New York about getting eight hours for a day's work.

By Mr. STRAIT :

Q. Do you think the eight-hour rule would have been in vogue if it had not been established on this building; do you think the Government passing the eight-hour law was the means of causing the mechanics to receive pay for eight hours as a day's work?—A. I do believe the Government passing this law and having it enforced has been more the means of the mechanics receiving pay for eight hours as a day's work than anything I know of.

Q. Do you believe that has been any benefit to the mechanics?—A. I do believe it is the greatest benefit that mechanics and the workmen of the United States can receive, for the reason that it gives them ample time for instruction, in more ways than one in different kinds of culture. For instance, I am working ten hours a day, and I have to go

to Eighty-sixth street or Fiftieth street, and I live now at 129 Avenue C in the city. I have to leave my house in the morning before seven o'clock to get there in time. It takes me the same time to get back there, and when my supper is done it is very near eight o'clock. If I desire to go to a night-school I am too late to go there. If I cannot get there in time I would get a little going-over by the schoolmaster telling me I ought to be there in time. That came to my knowledge—to more than a dozen men in my neighborhood, and those that are working eight hours a day avail themselves of the operation of it.

Q. You are a member of the trades union?—A. Yes, sir.

Q. Are you only working eight hours now?—A. Yes, sir.

Q. What is your office in that union?—A. I am holding the highest office in the gift of the United Order of Bricklayers.

By Mr. CONNOLLY :

Q. Do you know of any parties being employed here as bricklayers without political influence?—A. I don't know; I cannot answer that question for the reason that I don't know how they are employed. I don't know whether they get it through political influence or not.

Q. Did not the plasterers' society and the painters also work eight hours a day before the Government passed the eight-hour law?—A. Yes, sir; I believe they did; I am not very positive of that; I believe the plasterers did; I don't know about the painters.

By Mr. KILLINGER :

Q. When you went to see Secretary Boutwell were the employers in mechanical operation employing people at eight hours?—A. In some places they did.

Q. What was the general custom in the city among employers, generally speaking, in private work?—A. In the city of New York?

Q. Yes.—A. The general custom here at that time, when I went to Washington that time, it was nearly all ten hours.

C. T. HULBURD recalled.

By Mr. SPRAGUE :

Q. After this order was received and you put it in force, was any change made in the wages?—A. No, sir.

Q. They continued to work on the same terms?—A. Yes, sir.

Q. What was that, \$4?—A. I think it was \$4.

Adjourned to this evening at 7½ o'clock.

EVENING SESSION.

The committee met pursuant to adjournment, at half past seven p. m.

PATRICK COYLE sworn.

Examined by Mr. KILLINGER :

Question. What is your business?—Answer. I am a plumber, and have been in that trade since 1862.

Q. Have you ever worked on the post-office building?—A. I have not.

Q. Do you belong to the plumbers' organization?—A. I do; I know members of that organization who have worked on this building.

Q. Who?—A. Thomas Ryan.

Q. Who employed him?—A. Henderson & Darcy; they had charge of the work; they were acting as foremen.

Q. He was employed by them?—A. Yes, sir.

Q. You say they were foremen?—A. So I understood.

Q. From whom did you understand so?—A. From members of the organization.

Q. What do you know about his working here?—A. I have no knowledge only what I have been told by other people.

Q. If you know any thing of your own knowledge, of any one violating the law, state it.—A. The general impression among my organization is that the work is Government work, and not contract work; and seeing the Supervising Architect's report to Congress, where he said it was impossible to estimate the actual cost of the building, we took it for granted here it was days' work.

By Mr. CONNOLLY :

Q. Can you give the names of those men, plumbers, who worked on this building?—A. Thomas Ryan, and a young man named Hayes, and another member of the organization; I cannot remember his name.

Q. Who were those employed by?—A. By Henderson & Darcy, foremen.

Q. For whom?—A. I understood it was for Mr. Davidson.

Q. You are a member of the organization to which these men belong?—A. Yes.

Q. Did there a strike of plumbers take place on this building during the last summer or fall?—A. The society ordered its members who were working here to cease working, unless they would be allowed to work eight hours.

Q. Did they cease?—A. One of them did.

Q. The others continued?—A. So I understood.

Q. From whom did you understand so?—A. From other members of the organization, and I visited the building and found one of them working here.

Q. What was his name?—A. His name was Hayes.

Q. What kind of work was he employed upon?—A. Plumbing.

Q. How many plumbers were employed, to your knowledge, or as reported by these members of the union as being engaged at plumbing?—A. I cannot state that, because some weeks I understood there were more men on than others; very often they took on men and the men were incompetent, because they could not get competent mechanics, only very seldom, to work ten hours.

Q. Have you heard them state as to the incompetency of any of the mechanics employed as plumbers?—A. I have heard it stated that at one time the men here were so incompetent that they were not able to put in the main.

Q. Do you know, from you own knowledge, that there was work done here by incompetent persons?—A. I know there were men working here whose reputation does not stand very high in the trade.

Q. In the society?—A. Outside of the building.

By Mr. KILLINGER :

Q. Did you examine the work done in the building?—A. No, sir.

Q. Then you have no personal knowledge of the work?—A. No, sir.

MICHAEL J. DADY sworn.

Examined by Mr. KILLINGER :

Question. What is your occupation?—Answer. Brick-layer.

- Q. Did you work on this building?—A. Yes, sir.
 Q. Are you working there now?—A. Yes, sir.
 Q. Who employs you?—A. Mr. Hulburd, I believe.
 Q. How many hours are you employed?—A. Eight hours.
 Q. Is that the case with all the men you come in contact with?—A. The only men I know that work more than that are the iron men.
 Q. On the heating apparatus?—A. No; on the dome.

By Mr. HULBURD:

Q. How long have you worked here?—A. Three years the 1st of April.

Q. Have you worked all the time?—A. Very nearly, all but one winter.

Q. It was stated here to-day that you as well as others were dismissed, and you went off the work. State to the committee how long you were off, and when you returned, and how you were kept on since?—A. I was discharged on the 19th of April, 1872. I came to work on the 1st day of June, 1872.

Q. And have you continued ever since?—A. Yes, sir.

Q. Were there any others dropped at the same time but yourself?—A. Four of them.

Q. Do you know the names of any of them?—A. John C. Graham, Arthur McLaughlin, and one or two Germans, whose names I do not know now.

Q. Have any of those people been employed on the work since?—A. None but me; I was discharged at the same time that one or two Germans were removed.

Q. Has Mr. McLaughlin been employed since on the building?—A. Yes, all last winter.

Q. There is one point more I want to ask you about, and that is, whether you know of money being collected of the men here for society or committee purposes within the last year, or two years?—A. Yes; I was one of the committee that went to Washington, and I myself, with two others, collected \$90, and while we were in Washington the men sent us \$63.

Q. Who were the others on the committee with you?—A. Mr. Graham and Andrew McLaughlin; the men on the building sent us \$63 to Washington; when we came home they collected \$197 and divided it among the three of us.

Q. Have there been any collections made since?—A. There have, for the back time.

Q. Do you know the amount?—A. Yes, there has been from \$100 to \$300 collected; there was a collection every pay-day for almost a year.

Q. For what purposes?—A. For the back time, and for the eight hours.

Q. You say every pay-day. How often does pay-day come?—A. Twice a month.

Q. Then there have been about 24 collections in a year here?—A. Yes, pretty nearly that many.

Q. Do you know how long Mr. Graham was on the work here?—A. Altogether, Mr. Graham was on the work about eight days.

Q. Immediately on his coming here was not this question of getting up a petition agitated among the men.—A. Yes, sir.

Q. And was he not foremost in it?—A. Yes, sir.

Q. And did he not, on the building and around the building, discuss this subject with the men again and again?—A. Yes, sir. He was un-

derstood to be grand master of the United American Brick-layers, and the brick-layers on the building looked up to him as their leader.

Q. What was said to the men with reference to signing the petition ?—

A. The way I understood it, I was asked to sign the petition to the superintendent, asking for the eight hours, and that he would send it on to the architect, Mr. Mullett; that was the understanding I had in signing it. I understood the superintendent had not the power to give us the eight hours.

Q. There is one question more I would like to ask. During the time Mr. Graham was here was not the subject of the eight hours and the back-pay talked over and talked up by him to the men in squads, one or two or three together, or more, even during the work hours proper ?—

A. The eight-hour question was agitated by him until he was discharged. On the back-pay question Mr. Graham was sent to Washington, and had an interview with the Secretary and the Vice-President, Mr. Wilson. At that time he was not on the building.

Q. But during the time he was on the building at work was he not engaged in agitating the eight hours ?—A. Yes, sir.

Q. Collecting money, &c.—A. Yes, sir.

By Mr. CONNOLLY:

Q. You have been employed as brick-layer for about three years ?—A. Yes, sir.

Q. What have you been employed upon lately ?—A. Laying brick.

Q. No other business but laying brick ?—A. No, sir. I never had any other.

Q. This money collected from the men was collected to pay the expense of their committee ?—A. Yes, sir.

Q. To endeavor to enforce the eight hours ?—A. Yes, sir.

Q. By appealing to the President and the Secretary of the Treasury ?—A. Yes, sir.

Q. That is the fact ?—A. That is the fact.

Q. Are you positive that Mr. Graham collected any money ?—A. I am so positive that he collected money that I often came with him, and he hallooed over the fence that he wanted to telegraph to Washington, and some one would throw him a dollar or two over.

Q. Did you ever see any one drop him money over ?—A. I can name the gentleman, but I do not wish to. I do not think it is necessary.

Q. Do you know of any strikes that took place in this building within the last two years of any of the departments of workmen employed there ?—A. I heard there was going to be a strike.

Q. Of whom ?—A. Of the plumbers; but I never knew there was one.

Q. How many plumbers had you knowledge of there being employed there ?—A. I never saw but one, to my knowledge, because I was never mixed up with the plumbers; there is only one here I know.

Q. What is his name ?—A. I only know him by his first name, Aleck. I do not know his other name.

By Mr. SPRAGUE:

Q. Do I understand you to say that this money was collected to send the committee to Washington ?—A. Yes. The first collection of \$90 I helped to raise myself; afterward the men on the building sent us \$63 to Washington; that paid our way on here; if I am not mistaken, some gentleman on the building advanced the money; I am not positive about that. When we came home they paid us \$197 in addition, to pay us for the time we had lost. Then collections were made to pay back the

gentleman who advanced the money. Then two or three committees were sent on to get us the back time, which we considered we were entitled to.

Q. What was the back time?—A. Previous to that we had worked ten hours, and for every day we had worked ten hours we considered we were entitled to be allowed two hours.

By Mr. CONNOLLY:

Q. Do you know why Mr. Graham got discharged?—A. Not any more than I did myself.

Q. Why did you get discharged?—A. I would have thought I was discharged because I was prominent in agitating the eight-hour question, but I found there were two or three incompetent men discharged at the same time.

Q. Were the other men discharged on the committee?—A. No; there were three Germans discharged as incompetent, and I thought perhaps I was discharged for the same reason.

Q. You were one of a committee of three. How many of the committee were discharged?—A. Two.

Q. Who else that was on the committee was not discharged?—A. Mr. McLaughlin.

Q. He remained at work and was not discharged at all?—A. Yes, sir.

Q. How long did you remain off work?—A. Six weeks.

Q. By what influence did you get on again?—A. Mr. Steinmetz met me one day and asked me what I was doing. I said nothing. He said if I came round the first of the month he would give me work; that he was going to discharge eight or ten incompetent men. On the first of the month I came, and Mr. Steinmetz said the superintendent wanted to see me. When I went there I was told the superintendent had gone out.

Q. Did any one tell you that Mr. Graham was discharged simply because he was endeavoring to agitate the eight-hour question in this building?—A. No, sir.

Q. No such thing was intimated to you?—A. No, sir.

M. T. DAVIDSON recalled.

Examined by Mr. CONNOLLY:

Question. I desire to know whether three plumbers, Mr. Ryan, Mr. Hayes, and another were not employed by you or your foreman on this building.—Answer. My foreman never employed any one.

Q. Did you employ these men?—A. I did. I do not remember the name of Hayes, or the man whose name you do not give, of course; but I remember Ryan; and I employed all that were employed. I remember Ryan from the circumstance of his wife dying after he was taken out of the yard.

Q. Do you remember that one of these men or all of them struck for the eight hours?—A. No, sir; they did not come to me about the eight hours.

Q. Do you remember your foreman coming to you about that question?—A. My foreman came and said the society would not let these men work at any more time than eight hours per day.

Q. Was there any kind of work performed by you where some of the men employed were unable to do it, and you had to employ others to do the work more competent than they were?—A. Not much.

Q. I did not ask you how much.—A. Not any.

Q. You do not remember the circumstance of their striking at all, except through your foreman?—A. No, sir.

Mr. DAVIDSON. I stated this morning that I had done no plumbing work proper, but I received verbal instructions to put in temporary water-closets and took some men that were working on my iron-pipes to make them; and short time was ordered by the Department to stop them. My contract with Mr. Mullett for the heating apparatus has this reservation: that all the material I furnish is inspected by Government, weighed and counted; time kept by Government time-keeper, and my vouchers monthly go to the Government inspector, and, if not agreeing with his books, have to be corrected so as to agree. The Government asks this because they reserve the right to pay me my contract-price, or the actual cost of materials and labor, increased by a percentage, which is very hard, it seems to me; gives the Government two chances to my one. I had all the wrought-iron pipes done by regular steam-fitters from my own establishment, and that cannot be called plumbing.

Mr. HULBURD. Some of the best men we have had to do work, painting, or priming for instance, we employed at \$2 up to \$2.40, and they do just as much work, and as well, as any class of men at higher prices. Our pay-roll ranges from \$2 to \$4.50, according to rates outside, and the nature of the work. We have about 250 men at work, every one of whom is employed in accordance with the law of Congress regulating the hours of labor. We have done some work after advertising, but we do most by days work; we purchasing materials, employing the men by the day. In some cases we took bids to invite the best firms to undertake work. We always have tried to get the best work done at as low prices as possible.

*To Committee on Public Buildings and Grounds, House of Representatives,
Washington, D. C.*

NEW YORK, March 9, 1874.

GENTLEMEN: I would most respectfully submit for your careful consideration the following facts elicited from the testimony given to your subcommittee while here, by Mr. Davidson, contractor for heating apparatus and tanks on the new post-office. He stated that his was a contract for which there was no advertisement requesting bids for the work; that his workmen worked ten hours per day; that he charged the Government for days' work.

First. I hold that Supervising Architect Mullett should advertise all work, if any is to be done other than by Government; and that by making special contracts he is liable for punishment or dismissal; and on the further ground that Mr. Davidson is not friendly to the eight-hour system, nor is Mr. Mullett; and, had other employers been invited to send in proposals, there would be no ground for the suspicion that the contract was given to Mr. Davidson in consideration of his unfriendliness to the eight-hour rule.

Second. The law reads "all work done for or on behalf of the Government." I hold that the contract should be declared null and void, on the ground that his workmen work ten hours per day on the new post-office; and, inasmuch as the law has been violated, that the superintendent should be held responsible for permitting the men to work over eight hours unless they were paid for extra time.

Third. I hold that the Treasury Department should be held responsible for paying the bills rendered for days' work performed by the men employed by Mr. Davidson, inasmuch as the men work ten hours, when it is understood by the law that eight hours shall constitute a day's work; and that that Department was, and is, a party to the violation of the law, when it pays such bills.

In conclusion, I trust that your honorable committee will not lose sight of the fact that the law was enacted for the purpose of setting an example to the world, and showing to employers generally the benefits the working people would derive, both morally, intellectually, and materially, by its universal indorsement; and the arguments made by the friends of the law while pending in Congress will bear me out that it was never intended that the agents of the Government should resort to the contract-system in order to avoid the intent and spirit of the law, but rather to assist in its enforcement. This last assertion applies more particularly to the department over which Mr. Mullett presides.

Yours, respectfully,

GEO. BLAIR,
Secretary.

HON. JAMES H. PLATT, JR., *Chairman.*

STATE OF NEW YORK,

City and County of New York, ss :

Thomas J. Ryan, being duly sworn, says: I worked on the new post-office and court-house as a plumber. I was empled by Mr. Henderson, of the firm of Henderson & Dorsey, plumbers. They were acting as foremen for M. T. Davidson. I received \$4 per day. I was required to work ten hours for a day's work during my employment there. Mr. Davidson paid me my wages. I was employed on the iron soil-pipe. In receiving my pay I had to sign two pay-rolls in the office belonging to the Government, and situated outside of the new post-office building.

THOMAS J. RYAN.

Subscribed and sworn to before me this tenth day of March, A. D. 1874.

SAM. T. WEBSTER,
Notary Public, (23,) New York City.

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CHOCTAW AWARD.

APRIL 9, 1874.—Recommitted to the Committee on Appropriations and ordered to be printed.

Mr. I. C. PARKER, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 2189.]

The Committee on Appropriations, to whom was referred the bill (H. R. 2189) "To provide for the payment of the award made by the Senate of the United States in favor of the Choctaw Nation of Indians, on the 9th day of March, 1859," respectfully submit the following report:

The object and purpose of this bill is to provide for the satisfaction of an award made by the Senate of the United States in favor of the Choctaw Nation of Indians, on the 9th day of March, 1859. This award was made in pursuance of treaty stipulations, and was to carry into effect obligations assumed by the United States to the Choctaw Nation, under the treaty with the said nation concluded June 22, 1855. So much of the said treaty as relates to the manner in which the indebtedness of the United States to the said nation should be ascertained and determined is as follows:

ARTICLE XI. The Government of the United States not being prepared to assent to the claim set up under the treaty of September 27, 1830, and so earnestly contended for by the Choctaws as a rule of settlement, but justly appreciating the sacrifices, faithful services, and general good conduct of the Choctaw people, and being desirous that their rights and claims against the United States shall receive a just, fair, and liberal consideration, it is therefore stipulated that the following questions be submitted for adjudication to the Senate of the United States:

"First. Whether the Choctaws are entitled to, or shall be allowed, the proceeds of the sale of the land ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what price per acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or

"Second. Whether the Choctaws shall be allowed a gross sum in further and full satisfaction of all their claims, national and individual, against the United States; and, if so, how much."

ARTICLE XII. "In case the Senate shall award to the Choctaws the net proceeds of the lands ceded as aforesaid, the same shall be received by them in full satisfaction of all their claims against the United States, whether national or individual, arising under any former treaty; and the Choctaws shall thereupon become liable and bound to pay all such individual claims as may be adjudged by the proper authorities of the tribe to be equitable and just; the settlement and payment to be made with the advice and under the direction of the United States agent for the tribe; and so much of the fund awarded by the Senate to the Choctaws as the proper authorities thereof shall ascertain and determine to be necessary for the payment of the just liabilities of the tribe shall, on their requisition, be paid over to them by the United States. But should the Senate allow a gross sum in further and full satisfaction of all their claims, whether national or individual, against the United States, the same

shall be accepted by the Choctaws, and they shall thereupon become liable for and bound to pay all the individual claims as aforesaid; it being expressly understood that the adjudication and decision of the Senate shall be final."

(11 Stats. at Large, page 611.)

In pursuance of this agreement between the two contracting parties, the Senate of the United States, acting in the character of arbitrator, or as commissioners under a treaty, proceeded to an adjudication of the questions submitted to it under the eleventh article of said treaty; and on the 9th day of March, 1859, the matter having been previously considered and investigated by the Senate, the following award was made and declared in favor of the Choctaw Nation:

Whereas the eleventh article of the treaty of June 22, 1855, with the Choctaw and Chickasaw Indians, provides that the following questions be submitted for decision to the Senate of the United States:

"First. Whether the Choctaws are entitled to or shall be allowed the proceeds of the sale of the lands ceded by them to the United States by the treaty of September 27, 1830, deducting therefrom the costs of their survey and sale, and all just and proper expenditures and payments under the provisions of said treaty; and, if so, what proper acre shall be allowed to the Choctaws for the lands remaining unsold, in order that a final settlement with them may be promptly effected; or,

"Secondly. Whether the Choctaws shall be allowed a gross sum in *further* and full satisfaction of *all* their claims, national and individual, against the United States; and, if so, how much?"

Resolved, That the Choctaws be allowed the proceeds of the sale of such lands as have been sold by the United States on the 1st day of January last, deducting therefrom the costs of their survey and sale, and all proper expenditures and payments under said treaty, excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1.25 per acre; and, further, that they be also allowed twelve and a half cents per acre for the residue of said lands.

Resolved, That the Secretary of the Interior cause an account to be stated with the Choctaws, showing what amount is due them according to the above-prescribed principles of settlement, and report the same to Congress.

(Senate Journal, 2d session 35th Congress, page 493.)

In pursuance of this award the Secretary of the Interior, as directed by the second of the above resolutions, proceeded to state an account between the United States and the Choctaw Nation, upon the principles decided by the Senate as the basis of such account, as declared in the first resolution; and the result of such accounting, as shown in the report of the Secretary of the Interior, was an indebtedness on the part of the United States to the Choctaw Nation, amounting to *two million nine hundred and eighty-one thousand two hundred and forty-seven dollars and thirty cents*.

The Committee on Indian Affairs of the House of Representatives, in its report made at the last session of Congress, speaking of this award, used the following language:

By every principle of law, equity, and business transaction the United States are bound by the accounting of the Secretary of the Interior, showing \$2,981,247.30 due to the Choctaws at the date of the Secretary's report.

First. The Senate was the umpire, and, in the language of the treaty of 1855, when made it such, its decision was to be final.

Secondly. The Senate, in the exercise of its power under the treaty of 1855, chose to allow the net proceeds of the land as the better of the two modes of settlement proposed by that treaty, and not to allow a sum in gross.

Thirdly. The Senate directed the Secretary of the Interior to make the accounting, which he did, May 28, 1860, as shown above.

Fourthly. The Senate did not, as umpire, or otherwise, reject this accounting; but, on March 2, 1861, Congress made an appropriation of \$500,000 on it, and the Senate has not, since the Secretary's report, rejected any part of it, though near fourteen years have elapsed.

(House Report No. 80, Forty-second Congress, third session.)

The Senate Committee on Indian Affairs having had this subject

under consideration at the last session of Congress, speaking of this award, and of the obligation of the United States to pay it, said :

If the case were re-opened and adjudicated as an original question, by an impartial umpire, a much larger sum would be found due to the said Indians, which they would undoubtedly recover were they in a condition to compel justice.

Your committee, from a most careful examination of the whole subject, concur in these conclusions and refer to them only for the purpose of showing that the honesty, the fairness, or the integrity of the award thus made in favor of the Choctaw Nation cannot successfully be called in question or denied. It was a final settlement and award, conclusive alike upon the Choctaw Nation and the United States. Neither party to the treaty could rightfully disavow it, or refuse to be bound by it.

The United States has recognized the conclusiveness of this award by legislative enactment; for in the Indian appropriation bill, approved March 2, 1861, it was provided that the sum of \$500,000 should be paid to the said nation *on account of this award*. (12 Stats. at Large, p. 238.)

In pursuance of this act the sum of \$250,000 in money was paid to the said nation, but the bonds for a like amount, which the Secretary of the Treasury was directed to issue, were not delivered on account of the interruption of intercourse with the said nation caused by the war of the rebellion. These bonds have never been issued or delivered to the said nation, and all that has ever been paid to the said nation on account of the said award, therefore, is the sum of \$250,000, paid (under the said act of March 2, 1861) on the 12th day of April, 1861. The balance remaining unpaid on the said award since the 12th day of April, 1861, therefore, is \$2,731,247.30.

THE OBLIGATION TO PAY INTEREST ON THE AMOUNT AWARDED THE CHOCTAW NATION.

Your committee have given this question a most careful examination, and are obliged to admit and declare that the United States cannot, in equity and justice, nor without national dishonor, refuse to pay interest upon the moneys so long withheld from the Choctaw Nation. Some of the reasons which force us to this conclusion are as follows :

1. The United States acquired the lands of the Choctaw Nation on account of which the said award was made on the 27th day of September, 1830, and it has held them for the benefit of its citizens ever since.

2. The United States had in its Treasury, many years prior to the 1st day of January, 1859, the proceeds resulting from the sale of the said lands, and have enjoyed the use of such moneys from that time until now.

3. The award in favor of the Choctaw Nation was an award under a treaty, and made by a tribunal whose adjudication was final and conclusive.—(*Comegys vs. Vasse*, 1 Peters, 193.)

4. The obligations of the United States, under its treaties with Indian nations, have been declared to be equally sacred with those made by treaties with foreign nations.—(*Worcester vs. The State of Georgia*, 6 Peters, 582.) And such treaties, Mr. Justice Miller declares, are to be construed liberally.—(*The Kansas Indians*, 5 Wall., 737-760.)

5. The engagements and obligations of a treaty are to be interpreted in accordance with the principles of the public law, and not in accordance with any municipal code or executive regulation. No statement of this proposition can equal the clearness or force with which Mr. Web-

ster declares it in his opinion on the Florida claims, attached to the report in the case of Letitia Humphreys, (Senate report No. 93, first session Thirty-sixth Congress, page 16.) Speaking of the obligation of a treaty, he said:

A treaty is the supreme law of the land. It can neither be limited, nor restrained nor modified, nor altered. *It stands on the ground of national contract, and is declared by the Constitution to be the supreme law of the land, and this gives it a character higher than any act of ordinary legislation. It enjoys an immunity from the operation and effect of all such legislation.*

A second general proposition, equally certain and well established, is that the terms and the language used in a treaty are *always* to be interpreted according to the law of nations, and not according to any municipal code. This rule is of universal application. When two nations speak to each other, they use the language of nations. Their intercourse is regulated, and *their mutual agreements and obligations* are to be interpreted by that code only which we usually denominate the public law of the world. This public law is not one thing at Rome, another at London, and a third at Washington. It is the same in all civilized States; everywhere speaking with the same voice and the same authority.

Again, in the same opinion, Mr. Webster used the following language:

We are construing a treaty, a solemn compact between nations. This compact between nations, this treaty, is to be construed and interpreted throughout its whole length and breadth, in its general provisions, and in all its details, in every phrase, sentence, word, and syllable in it, by the settled rules of the law of nations. No municipal code can touch it, no local municipal law affect it, no practice of an administrative department come near it. Over all its terms, over all its doubts, over all its ambiguities, if it have any, the law of nations "sits arbitress."

6. By the principles of the public law, interest is always allowed as indemnity for the delay of payment of an ascertained and fixed demand. There is no conflict of authority upon this question among the writers on public law.

This rule is laid down by Rutherford in these terms:

In estimating the damages which any one has sustained, when such things as he has a perfect right to are unjustly taken from him, or WITHHOLDEN, or intercepted, we are to consider not only the value of the thing itself, but the value likewise of the fruits or profits that might have arisen from it. He who is the owner of the thing is likewise the owner of the fruits or profits. So that it is as properly a damage to be deprived of them as it is to be deprived of the thing itself. (Rutherford's Institutes, Book I, chap. 17, sec. 5.)

In laying down the rule for the satisfaction of injuries in the case of reprisals, in making which the strictest caution is enjoined not to transcend the clearest rules of justice, Mr. Wheaton, in his work on the law of nations, says:

If a nation has taken possession of that which belongs to another, IF IT REFUSES TO PAY A DEBT, to repair an injury or to give adequate satisfaction for it, the latter may seize something of the former and apply it to his advantage, till it obtains payment of what is due, together with INTEREST and damages. (Wheaton on International Law, p. 341.)

A great writer, Domat, thus states the law of reason and justice on this point:

It is a natural consequence of the general engagement to do wrong to no one that they who cause any damages by failing in the performance of that engagement are obliged to repair the damage which they have done. Of what nature soever the damage may be, and from what cause soever it may proceed, he who is answerable for it ought to repair it by an *amende* proportionable either to his fault or to his offense or other cause on his part, and to the loss which has happened thereby.—(Domat, Part I. Book III, Tit. V., 1900, 1903.)

"Interest" is, in reality, in justice, in reason, and in law, too, a part of the debt due. It includes, in Pothier's words, the loss which one has suffered, and the gain which he has failed to make. The Roman

law defines it as "quantum mea interfuit; id est, quantum mihi abest, quantumque lucrari potui." The two elements of it were termed "lucrun cessans et damnum emergens." The payment of both is necessary to a complete indemnity.

Interest, Domat says, is the reparation or satisfaction which he who owes a sum of money is bound to make to his creditor for the damage which he does him by not paying him the money he owes him.

It is because of the universal recognition of the justice of paying, for the retention of moneys indisputably due and payable immediately, a rate of interest considered to be a fair equivalent for the loss of its use, that judgments for money everywhere bear interest. The creditor is deprived of this profit, and the debtor has it. What greater wrong could the law permit than that the debtor should be at liberty indefinitely to delay payment, and, during the delay, have the use of the creditor's moneys for nothing? They are none the less the creditor's moneys because the debtor wrongfully withholds them. *He holds them, in reality and essentially, in trust; and a trustee is always bound to pay interest upon moneys so held.*

In closing these citations from the public law, the language of Chancellor Kent seems eminently appropriate. He says: "In cases where the principal jurists agree, the presumption will be very great in favor of the solidity of their maxims, and no civilized nation that does not arrogantly set all ordinary law and justice at defiance will venture to disregard the uniform sense of established writers on international law.

7th. The practice of the United States in discharging obligations resulting from treaty stipulations has always been in accord with these well-established principles. It has exacted the payment of *interest* from other nations in all cases where the obligation to make payment resulted from treaty stipulations, and it has acknowledged that obligation in all cases where a like liability was imposed upon it.

The most important and leading cases which have occurred are those which arose between this country and Great Britain. The first under the treaty of 1794, and the other under the first article of the treaty of Ghent. In the latter case the United States, under the first article of the treaty, claimed compensation for slaves and other property taken away from the country by the British forces at the close of the war in 1815. A difference arose between the two governments which was submitted to the arbitrament of the Emperor of Russia, who decided that "The United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces." A joint commission was appointed for the purpose of hearing the claims of individuals under this decision. At an early stage of the proceedings the question arose as to whether *interest* was a part of that "just indemnification" which the decision of the Emperor of Russia contemplated. The British commissioner denied the obligation to pay interest. The American commissioner, Langdon Cheves, insisted upon its allowance, and in the course of his argument upon this question, said:

Indemnification means a re-imbursement of a loss sustained. If the property taken away on the 17th of February, 1815, were returned now uninjured it would not reimburse the loss sustained by the taking away and consequent detention; it would not be an indemnification. The claimant would still be uncompensated for the loss of the use of his property for ten years, which considered as money is nearly equivalent to the original value of the principal thing.

Again he says:

If interest be an incident usually attendant on the delay of payment of debts, damages are equally an incident attendant on the withholding an article of property.

In consequence of this disagreement the commission was broken up, but the claims were subsequently compromised by the payment of \$1,204,960, instead of \$1,250,000 as claimed by Mr. Cheves; and of the sum paid by Great Britain, \$418,000 was expressly for interest.

An earlier case, in which this principle of interest was involved, arose under the treaty of 1794, between the United States and Great Britain, in which there was a stipulation on the part of the British government in relation to certain losses and damages sustained by American merchants and other citizens, by reason of the illegal or irregular capture of their vessels, or other property, by British cruisers; and the seventh article provided in substance that "full and complete compensation for the same will be made by the British government to the said claimants."

A joint commission was instituted under this treaty which sat in London, and by which these claims were adjudicated. Mr. Pinckney and Mr. Gore were commissioners on the part of the United States, and Dr. Nicholl and Dr. Swabey on the part of Great Britain; and it is believed that in all instances this commission allowed interest as a part of the damage. In the case of "The Betsey," one of the cases which came before the board, Dr. Nicholl stated the rule of compensation as follows:

To re-imburse the claimants, the original cost of their property, and all the expenses they have actually incurred, together with interest on the whole amount, would, I think, be a just and adequate compensation. This, I believe, is the measure of compensation usually made by all belligerent nations, and accepted by all neutral nations, for losses, costs, and damages, occasioned by illegal captures. (Vide Wheaton's life of Pinckney, page 198; also 265 note, and page 371.)

By a reference to the American State Papers, Foreign Relations, vol. 2, pages 119, 120, it will be seen by a report of the Secretary of State of the 16th February, 1798, laid before the House of Representatives, that interest was awarded and paid on such of these claims as had been submitted to the award of Sir William Scott and Sir John Nicholl, as it was in all cases by the board of commissioners. In consequence of some difference of opinion between the members of this commission, their proceedings were suspended until 1802, when a convention was concluded between the two governments, and the commission re-assembled, and then a question arose as to the allowance of interest on the claims during the suspension. This the American commissioners claimed, and though it was at first resisted by the British commissioners, yet it was finally yielded, and interest was allowed and paid. (See Mr. King's three letters to the Secretary of State, of 25th March, 1803, 23d April, 1803, and 30th April, 1803, American State Papers, Foreign Relations, vol. 2, pages 387 and 388.)

Another case in which this principle was involved arose under the treaty of the 27th October, 1795, with Spain; by the twenty-first article of which, "in order to terminate all differences on account of the losses sustained by citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner," &c. The commissioners were to be chosen, one by the United States, one by Spain, and the two were to choose a third, and the award of the commissioners, or any two of them, was to be final, and the Spanish government to pay the amount in specie.

This commission awarded interest as part of the damages. (See American State Papers, vol. 2, Foreign Relations, page 283.) So in the

case of claims of American citizens against Brazil, settled by Mr. Tudor, United States minister, interest was claimed and allowed. (See Ex. Doc., first session Twenty-fifth Congress, House of Reps., Doc. 32, page 249.)

Again, in the convention with Mexico of the 11th April, 1839, by which provision was made by Mexico for the payment of claims of American citizens for injuries to persons and property by the Mexican authorities, a mixed commission was provided for and this commission allowed interest in all cases. (House Ex. Doc. 291, 27th Congress, 2d session.)

So also under the Treaty with Mexico of February 2, 1848, the board of commissioners for the adjustment of claims under that treaty allowed interest in all cases from the origin of the claim until the day when the commission expired.

So also under the convention with Colombia, concluded February 10, 1864, the commission for the adjudication of claims under that treaty allowed interest in all cases as a part of the indemnity.

So under the recent convention with Venezuela, the United States exacted interest upon the awards of the commission, from the date of the adjournment of the commission until the payment of the awards.

The Mixed American and Mexican Commission, now in session here, allows interest in all cases from the origin of the claim, and the awards are payable with interest.

Other cases might be shown in which the United States or their authorized diplomatic agents have claimed interest in such cases, or where it has been paid in whole or in part. (See Mr. Russell's letter to the Count de Engstien of October 5, 1818, American State Papers, vol. 4, p. 639, and proceedings under the Convention with the Two Sicilies of October, 1832, Elliot's Dip. Code, p. 625.)

It can hardly be necessary to pursue these precedents further. They sufficiently and clearly show the practice of this Government with foreign nations, or with claimant under treaties.

8th. The practice of the United States in its dealings with the various Indian tribes or nations has been in harmony with these principles.

In all cases where money belonging to Indian nations has been retained by the United States, it has been so invested as to produce *interest*, for the benefit of the nation to which it belongs; and such interest is *annually* paid to the nation who may be entitled to receive it.

9th. The United States in adjusting the claim of the Cherokee Nation for a balance due as purchase-money upon lands ceded by that nation to the United States in 1835, allowed interest upon the balance due them, being \$189,422.76, until the same was paid.

The question was submitted to the Senate of the United States, as to whether interest should be allowed them. The Senate Committee on Indian Affairs, in their report upon this subject used the following language:

By the treaty of August, 1846, it was referred to the Senate to decide, and that decision to be final, whether the Cherokees shall receive interest on the sums found due them from a misapplication of their funds to purposes with which they were not chargeable, and on account of which improper charges the money has been withheld from them. It has been the uniform practice of this Government to pay and demand interest in all transactions with foreign governments, which the Indian tribes have always been said to be, both by the Supreme Court and all other branches of our Government, in all matters of treaty or contract. The Indians, relying upon the prompt payment of their dues, have, in many cases, contracted debts upon the faith of it, upon which they have paid, or are liable to pay, interest. If, therefore, they do not now receive interest on their money so long withheld from them, they will in effect, have received nothing. (Senate report No. 176, first session, Thirty-first Congress, p. 78.)

10th. That upon an examination of the precedents where Congress has passed acts for the relief of private citizens, it will be found that, in almost every case, Congress has directed the payment of interest, where the United States had withheld a sum of money which had been decided by competent authority to be due, or where the amount due was ascertained, fixed, and certain.

The following precedents illustrate and enforce the correctness of this assertion, and sustain this proposition :

1. An act approved January 14, 1793, provided that lawful interest from the 16th of May, 1776, shall be allowed on the sum of \$200 ordered to be paid to Return J. Meigs, and the legal representatives of Christopher Greene, deceased, by a resolve of the United States, in Congress assembled, on the 28th of September, 1785. (6 Stats. at Large, p. 11.)

2. An act approved May 31, 1794, provided for a settlement with Arthur St. Clair, for expenses while going from New York to Fort Pitt and till his return, and for services in the business of Indian treaties, and "allowed interest on the balance found to be due him." (6 Stats. at Large, p. 16.)

3. An act approved February 27, 1795, authorized the officers of the Treasury to issue and deliver to Angus McLean, or his duly authorized attorney, certificates for the amount of \$254.43, bearing interest at six per cent, from the 1st of July, 1783, being for his services in the Corps of Sappers and Miners during the late war. (6 Stats. at Large, p. 20.)

4. An act approved January 23, 1798, directed the Secretary of the Treasury to pay General Kosciusko an interest at the rate of six per cent. per annum on the sum of \$12,280.54, the amount of a certificate due to him from the United States from the 1st of January, 1793, to the 31st of December, 1797. (6 Stats. at Large, p. 32.)

5. An act approved May 3, 1802, provided that there be paid Fulwar Skipwith the sum of \$4,550, advanced by him for the use of the United States, with interest at the rate of six per cent. per annum from the 1st of November, 1795, at which time the advance was made. (6 Stat. at L., p. 48.)

6. An act for the relief of John Coles, approved January 14, 1804, authorized the proper accounting officers of the Treasury to liquidate the claim of John Coles, owner of the ship *Grand Turk*, heretofore employed in the service of the United States, for the detention of said ship at Gibraltar from the 10th of May to the 4th of July, 1801, inclusive, and that he be allowed demurrage at the rate stipulated in the charter-party, together with the interest thereon. (6 Stat. at L., p. 50.)

7. An act approved March 3, 1807, provided for a settlement of the accounts of Oliver Pollock, formerly commercial agent for the United States at New Orleans, allowing him certain sums and commissions, with interest until paid. (6 Stat. at L., p. 65.)

8. An act for the relief of Stephen Sayre, approved March 3, 1807, provided that the accounting officers of the Treasury be authorized to settle the account of Stephen Sayre, as secretary of legation at the court of Berlin, in the year 1777, with interest on the whole sum until paid. (6 Stat. at L., p. 65.)

9. An act to approved April 25, 1810, directed the accounting officers of the Treasury to settle the account of Moses Young, as secretary of legation to Holland in 1780, and providing that after the deduction of certain moneys paid him, the balance, with interest thereon, should be paid. (6 Stat. at L., p. 89.)

10. An act approved May 1, 1810, for the relief of P. C. L'Enfant, directed the Secretary of the Treasury to pay to him the sum of six

hundred and sixty-six dollars, with legal interest thereon from March 1, 1792, as a compensation for his services in laying out the plan of the city of Washington. (6 Stat. at L., p. 92.)

11. An act approved January 10, 1812, provided that there be paid to John Burnham the sum of \$126.72, and the interest on the same since the 30th of May, 1796, which, in addition to the sum allowed him by the act of that date, is to be considered a re-imbursement of the money advanced by him for his ransom from captivity in Algiers. (6 Stat. at L., p. 101.)

12. An act approved July 1, 1812, for the relief of Anna Young, required the War Department to settle the account of Col. John Durkee, deceased, and to allow said Anna Young, his sole heiress and representative, said seven years' half pay, and interest thereon. (6 Stat. at L., p. 110.)

13. An act approved February 25, 1813, provided that there be paid to John Dixon the sum of \$329.84, with six per cent. per annum interest thereon from the 1st of January, 1785, "being the amount of a final settlement certificate, No. 596, issued by Andrew Dunscomb, late commissioner of accounts for the State of Virginia, on the 23d of December, 1786, to Lucy Dixon, who transferred the same to John Dixon." (6 Stat. at L., p. 117.)

14. An act approved February 25, 1813, required the accounting officers of the Treasury to settle the account of John Murray, representative of Dr. Henry Murray, and that he be allowed the amount of three loan-certificates for \$1,000, with interest from the 29th of March, 1782, issued in the name of said Murray, signed Francis Hopkinson, treasurer of loans. (6 Stat. at L., p. 117.)

15. An act approved March 3, 1813, directed the accounting officers of the Treasury to settle the accounts of Samuel Lapsley, deceased, and that they be allowed the amount of two final settlement certificates, No. 78,446, for one thousand dollars, and No. 78,447, for one thousand three hundred dollars, and interest from the 22d day of March, 1783, issued in the name of Samuel Lapsley, by the Commissioner of Army Accounts for the United States on the 1st day of July, 1784. (6 Stat. at L., p. 119.)

16. An act approved April 13, 1814, directed the officers of the Treasury to settle the account of Joseph Brevard, and that he be allowed the amount of a final settlement certificate for \$183.23, dated February 1, 1785, and bearing interest from the 1st of January, 1783, issued to said Brevard by John Pierce, commissioner for settling Army accounts. (6 Stat. at L., p. 134.)

17. An act approved April 18, 1814, directed the receiver of public moneys at Cincinnati to pay the full amount of moneys, with interest, paid by Dennis Clark, in discharge of the purchase-money for a certain fractional section of land purchased by said Clark. (6 Stat. at L., 141.)

18. An act for the relief of William Arnold, approved February 2, 1815, allowed interest on the sum of six hundred dollars due him from January 1, 1873. (6 Stat. at L., 146.)

19. An act approved April 26, 1816, directed the accounting officers of the Treasury to pay to Joseph Wheaton the sum of eight hundred and thirty-six dollars and forty-two cents, on account of interest due him from the United States upon sixteen hundred dollars and eighty-four cents, from April 1, 1807, to December 21, 1815, pursuant to the award of George Youngs and Elias B. Caldwell, in a controversy between the United States and the said Joseph Wheaton. (6 Stat. at L., 166.)

20. An act approved April 26, 1816, authorized the liquidation and settlement of the claim of the heirs of Alexander Roxburgh, arising on a final-settlement certificate issued on the 18th of August, 1784, for \$480.87, by John Pierce, commissioner for settling Army accounts, bearing interest from the 1st of January, 1782. (6 Stat. at L., 167.)

21. An act approved April 14, 1818, authorized the accounting officers of the Treasury Department "to review the settlement of the account of John Thompson," made under the authority of an act approved the 11th of May, 1812, and "to allow the said John Thompson interest at six per cent. per annum from the 4th of March, 1787, to the 20th of May, 1812, on the sum which was found due to him, and paid under the act aforesaid." (6 Stat. at L., 203.)

22. An act approved May 11, 1820, directed the proper officers of the Treasury to pay to Samuel B. Beall the amount of two final-settlement certificates issued to him on the 1st of February, 1785, for his services as a lieutenant in the Army of the United States during the revolutionary war, together with interest on the said certificates, at the rate of six per cent. per annum, from the time they bore interest, respectively, which said certificates were lost by the said Beall, and remain yet outstanding and unpaid. (6 Laws of U. S., 510; 6 Stat. at L., 249.)

23. An act approved May 15, 1820, required that there be paid to Thomas Leiper the specie-value of four loan-office certificates, issued to him by the commissioner of loans for the State of Pennsylvania, on the 27th of February, 1779, for one thousand dollars each; and also the specie-value of two loan-certificates, issued to him by the said commissioner on the 2d day of March, 1779, for one thousand dollars each, with interest at six per cent. annually. (6 Stat. at L., 252.)

24. An act approved May 7, 1822, provided that there be paid to the legal representatives of John Guthry, deceased, the sum of \$123.30, being the amount of a final-settlement certificate, with interest at the rate of six per cent. per annum, from the 1st day of January, 1788. (6 Stat. at L., 269.)

25. An act for the relief of the legal representatives of James McClung, approved March 3, 1823, allowed interest on the amount due at the rate of six per cent. per annum from January 1, 1788. (6 Stat. at L., 284.)

26. An act approved March 3, 1823, for the relief of Daniel Seward, allowed interest to him for money paid to the United States for land to which the title failed, at the rate of six per cent. per annum from January 29, 1814. (6 Stat. at L., 286.)

27. An act approved May 5, 1824, directed the Secretary of the Treasury to pay to Amasa Stetson the sum of \$6,215, "being for interest on moneys advanced by him for the use of the United States, and on warrants issued in his favor, in the years 1814 and 1815, for his services in the Ordnance and Quartermaster's Department, for superintending the making of Army clothing and for issuing the public supplies." (6 Stat. at L., 298.)

28. An act approved March 3, 1824, directed the proper accounting officers of the Treasury to settle and adjust the claim of Stephen Arnold, David and George Jenks, for the manufacture of three thousand nine hundred and twenty-five muskets, with interest thereon from the 26th day of October, 1813. (6 Stat. at L., 331.)

29. An act approved May 20, 1826, directed the proper accounting officers of the Treasury to settle and adjust the claim of John Stemman and others for the manufacture of four thousand one hundred stand of

arms, and to allow interest on the amount due from October 26, 1813. (6 Stat. at L., 345.)

30. An act approved May 20, 1826, for the relief of Ann D. Taylor, directed the payment to her of the sum of three hundred and fifty-four dollars and fifteen cents, with interest thereon at the rate of six per cent. per annum from December 30, 1786, until paid. (6 Stat. at L., 351.)

31. An act approved March 3, 1827, provided that the proper accounting officers of the Treasury were authorized to pay to B. J. V. Valkenburg the sum of \$597.24, "being the amount of fourteen indents of interest, with interest thereon from the 1st of January, 1791, to the 31st of December, 1826." (6 Stat. at L., 365.)

In this case the United States paid interest on interest.

32. An act approved May 19, 1828, provided that there be paid to the legal representatives of Patience Gordon the specie-value of a certificate issued in the name of Patience Gordon by the commissioner of loans for the State of Pennsylvania, on the 7th of April, 1778, with interest at the rate of six per cent. per annum from the 1st day of January, 1788. (7 Stat. at L., p. 378.)

33. An act approved May 29, 1830, required the Treasury Department "to settle the accounts of Benjamin Wells, as deputy commissary of issues at the magazine at Monster Mills, in Pennsylvania, under John Irvin, deputy commissary-general of the Army of the United States, in said State, in the Revolutionary war;" and that "they credit him with the sum of \$574.04, as payable February 9, 1779, and \$326.67, payable July 20, 1780, in the same manner, and with such interest, as if these sums, with their interest from the times respectively as aforesaid, had been subscribed to the loan of the United States." (6 Stats. at Large, 447.)

34. An act approved May 19, 1832, for the relief of Richard G. Morris provided for the payment to him of two certificates issued to him by Timothy Pickering, quartermaster-general, with interest thereon from the 1st of September, 1781. (6 Stats. at Large, 486.)

35. An act approved July 4, 1832, for the relief of Aaron Snow, a Revolutionary soldier, provided for the payment to him of two certificates issued by John Pierce, late commissioner of Army accounts, and dated in 1784, with interest thereon. (6 Stats. at Large, 503.)

36. An act approved July 4, 1832, provided for the payment to W. P. Gibbs of a final-settlement certificate dated January 30, 1784, with interest at six per cent. from the 1st of January, 1783, up to the passage of the act. This act went behind the final certificate and provided for the payment of interest anterior to its date. (6 Stats. at Large, 504.)

37. An act approved July 14, 1832, directed the payment to the heirs of Ebenezer L. Warren of certain sums of money illegally demanded and received by the United States from the said Warren as one of the sureties of Daniel Evans, formerly collector of direct taxes, with interest thereon at the rate of six per cent. per annum from September 9, 1820. (6 Stats. at Large, 373.)

38. An act for the relief of Hartwell Vick, approved July 14, 1832, directed the accounting officers of the Treasury to refund to the said Vick the money paid by him to the United States for a certain tract of land which was found not to be property of the United States, with interest thereon at the rate of six per centum per annum, from the 23d day of May, 1818. (6 Stats. at Large, 523.)

39. An act approved June 18, 1834, for the relief of Martha Bailey and others, directed the Secretary of the Treasury to pay to the parties therein named the sum of four thousand eight hundred and thirty-seven dollars and sixty-one cents, being the amount of interest upon the sum

of two hundred thousand dollars, part of a balance due from the United States to Elbert Anderson on the 26th day of October, 1814 ; also the further sum of nine thousand five hundred and ninety-five dollars and thirty-six cents, being the amount of interest accruing from the deferred payment of warrants issued for balances due from the United States to the said Anderson from the date of such warrants until the payment thereof; also the further sum of two thousand and eighteen dollars and fifty cents admitted to be due from the United States to the said Anderson by a decision of the Second Comptroller, with interest on the sum last mentioned from the period of such decision until paid. (6 Stats. at Large, 562.)

40. An act approved June 30, 1834, directed the Secretary of the Treasury to pay balance of damages recovered against William C. H. Waddell, United States marshal for the southern district of New York, for the illegal seizure of a certain importation of brandy, on behalf of the United States, with legal interest on the amount of said judgment from the time the same was paid by the said Waddell. (6 Stats. at Large, 594.)

41. An act approved February 17, 1836, directed the payment of the sum therein named to Marinus W. Gilbert, being the interest on money advanced by him to pay off troops in the service of the United States, and not repaid when demanded. (6 Stats. at Large, 622.)

42. An act approved February 17, 1836, for the relief of the executor of Charles Wilkins, directed the Secretary of the Treasury to settle the claim of the said executor, for interest on a liquidated demand in favor of Jonathan Taylor, James Morrison, and Charles Wilkins, who were lessees of the United States of the salt-works, in the State of Illinois. (6 Stats. at Large, 626.)

48. An act approved July 2, 1836, for the relief of the legal representatives of David Caldwell, directed the proper accounting-officers of the Treasury to settle the claim of the said David Caldwell for fees and allowances, certified by the circuit court of the United States for the eastern district of Pennsylvania, for official services to the United States, and to pay on that account the sum of four hundred and ninety-six dollars and thirty-eight cents, with interest thereon at the rate of six per centum from the 25th day of November, 1830, till paid. (6 Stats. at Large, 664.)

44. An act approved July 2, 1836, provided that there be paid Don Carlos Delossus, interest at the rate of six per centum per annum on three hundred and thirty-three dollars, being the amount allowed him under the act of July 14, 1832, for his relief, on account of moneys taken from him at the capture of Baton Rouge, Louisiana, on the 23d day of September, 1810, being the interest to be allowed from the said 23d day of September, 1810, to the 14th day of July, 1832. (6 Stats. at Large, 672.)

In this case the interest was directed to be paid four years after the principal had been satisfied and discharged.

45. An act approved July 7, 1838, provided that the proper officers of the Treasury be directed to settle the accounts of Richard Harrison, formerly consular agent of the United States at Cadiz, in Spain, and to allow him, among other items, the interest on the money advanced, under agreement with the minister of the United States in Spain, for the relief of destitute and distressed seamen, and for their passages to the United States from the time the advances respectively were made, to the time at which the said advances were re-imbursed. (6 Stats. at Large, 734.)

46. An act approved August 11, 1842, directed the Secretary of the Treasury to pay to John Johnson the sum of seven hundred and fifty-six dollars and eighty-two cents, being the amount received from the said Johnson upon a judgment against him in favor of the United States, together with the interest thereon from the time of such payment. (6 Stats. at Large, 856.)

47. An act approved August 3, 1846, authorized the Secretary of the Treasury to pay to Abraham Horbach the sum of five thousand dollars, with lawful interest from the 1st of January, 1836, being the amount of a draft drawn by James Reeside on the Post-Office Department, dated April 18, 1835, payable on the 1st of January, 1836, and accepted by the treasurer of the Post-Office Department, which said draft was indorsed by said Abraham Horbach at the instance of the said Reeside, and the amount drawn from the Bank of Philadelphia, and, at maturity, said draft was protested for non-payment, and said Horbach became liable to pay, and in consequence of his indorsement, did pay the full amount of said draft. (9 Stats. at Large, 677.)

48. An act approved February 5, 1859, authorized the Secretary of War to pay to Thomas Laurent, as surviving partner, the sum of \$15,000, with interest at the rate of six per cent. yearly, from the 11th of November, 1847, it being the amount paid by the firm on that day to Major-General Winfield Scott, in the city of Mexico, for the purchase of a house in said city, out of the possession of which they were since ousted by the Mexican authorities. (11 Stats. at Large, 558.)

49. An act approved March 2, 1847, directed the Secretary of the Treasury to pay the balance due to the Bank of Metropolis for moneys due upon the settlement of the account of the bank with the United States, with interest thereon from the 6th day of March, 1838. (9 Stats. at Large, 689.)

50. An act approved July 20, 1852, directed the payment to the legal representatives of James C. Watson, late of the State of Georgia, the sum of fourteen thousand six hundred dollars, with interest at the rate of six per cent. per annum, from the 8th day of May, 1838, till paid, being the amount paid by him, under the sanction of the Indian agent, to certain Creek warriors, for slaves captured by said warriors while they were in the service of the United States against the Seminole Indians in Florida. (10 Stats. at Large, 734.)

51. An act approved July 29, 1854, directed the Secretary of the Treasury to pay to John C. Fremont one hundred and eighty-three thousand eight hundred and twenty-five dollars, with interest thereon from the 1st day of June, 1851, at the rate of ten per cent. per annum, in full for his account for beef delivered to Commissioner Barbour, for the use of the Indians in California, in 1851 and 1852. (10 Stats. at Large, 804.)

52. An act approved July 8, 1870, directed the Secretary of the Treasury to make proper payments to carry into effect the decree of the district court of the United States for the district of Louisiana, bearing date the *fourth* of June, 1867, in the case of the British brig "*Volant*," and her cargo; and also another decree of the same court, bearing date the *eleventh* of June, in the same year, in the case of the British bark "*Science*," and cargo, vessels illegally seized by a cruiser of the United States; such payments to be made as follows, viz: To the several persons named in such decrees, or their legal representatives, the several sums awarded to them respectively, *with interest to each person from the date of the decree under which he receives payment.* (16 Stats. at Large, 650.)

53. An act approved July 8, 1870, directed the Secretary to make

the proper payments to carry into effect the decree of the district court of the United States for the district of Louisiana, bearing date July 13, 1867, in the case of the British brig "Dashing Wave," and her cargo, illegally seized by a cruiser of the United States, which decree was made in pursuance of the decision of the Supreme Court, *such payments to be made with interest from the date of the decree.* (16 Stats. at Large, 651.)

An examination of these cases will show that, subsequent to the seizure of these several vessels, they were each sold by the United States marshal for the district of Louisiana as prize, and the proceeds of such sales deposited by him in the First National Bank of New Orleans. The bank, while the proceeds of these sales were on deposit there, became insolvent. The seizures were held illegal, and the vessels not subject to capture as prize. But the proceeds of the sales of these vessels and their cargoes could not be restored to the owners in accordance of the decrees of the district court, because the funds had been lost by the insolvency of the bank. In these cases, therefore, Congress provided indemnity for losses resulting from the acts of its agents, and made the indemnity complete by providing for the payment of interest.

Your committee have directed attention to these numerous precedents for the purpose of exposing the utter want of foundation of the often-repeated assumption that "the Government never pays interest." It will readily be admitted that there is no statute-law to sustain this position. The idea has grown up from the custom and usage of the accounting-officers and departments refusing to allow interest generally in their accounts with disbursing-officers, and in the settlement of unliquidated domestic claims arising out of dealings with the Government. It will hardly be pretended, however, that this custom or usage is so "reasonable," well known, and "certain," as to give it the force and effect of law, and to override and trample under foot the law of nations and also the well settled practice of the Government itself in its intercourse with other nations.

11th. Interest was allowed and paid to the State of Massachusetts, because the United States delayed the payment of the principal for twenty-two years after the amount due had been ascertained and determined. The amount appropriated to pay this interest was \$678,362.41, more than the original principal. (16 Stats. at Large, 198.)

Mr. Sumner, in his report upon the memorial introduced for that purpose, discussing this question of interest, said :

It is urged that the payment of this interest would establish a bad precedent. If the claim is just, the precedent of paying it is one of which our Government should wish to establish. Honesty and justice are not precedents of which either Government or individuals should be afraid.

Senate Report 4, 41st Cong., 1st sess., p. 10.

12th. Interest has always been allowed to the several States for advances made to the United States for military purposes.

The claims of the several States for advances during the revolutionary war were adjusted and settled under the provision of the acts of Congress of August 5, 1790, and of May 31, 1794. By these acts interest was allowed to the States, whether they had advanced money on hand in their treasuries or obtained by loans.

In respect to the advances of States during the war of 1812-15, a more restricted rule was adopted, viz. : That States should be allowed interest only so far as they had themselves paid it by borrowing, or had lost it by the sale of interest-bearing funds.

Interest, according to this rule, has been paid to all the States which

made advances during the war of 1812-'15, with the exception of Massachusetts. Here are the cases :

Virginia, U. S. Stats. at Large, vol. 4, p. 161.

Delaware, U. S. Stats. at Large, vol. 4, p. 175.

New York, U. S. Stats. at Large, vol. 4, p. 192.

Pennsylvania, U. S. Stats. at Large, vol. 4, p. 241.

South Carolina, U. S. Stats. at Large, vol. 4, p. 499.

In Indian and other wars the same rule has been observed, as in the following cases :

Alabama, U. S. Stats. at Large, vol. 9, p. 344.

Georgia, U. S. Stats. at Large, vol. 9, p. 626.

Washington Territory, U. S. Stats. at Large, vol. 11, p. 429.

New Hampshire, U. S. Stats. at Large, vol 10, p. 1.

13th. The Senate Committee on Indian Affairs, in the report to which reference has heretofore been made, speaking of this award and of the obligation of the United States to pay interest upon the balance remaining due and unpaid thereon, used the following language :

Your committee are of opinion that this sum should be paid them with accrued interest from the date of said award, deducting therefrom \$250,000, paid to them in money, as directed by the act of March 2, 1861; and, therefore, find no sufficient reason for further delay in carrying into effect that provision of the afore-named act, and the act of March 3, 1871, by the delivery of the bonds therein described, with accrued interest from the date of the act of March 8, 1861.

Your committee have discussed this question with an anxious desire to come to such a conclusion in regard to it as would do no injustice to that Indian nation whose rights are involved here, nor establish such a precedent as would be inconsistent with the practice or duty of the United States in such cases. Therefore, your committee have considered it not only by the light of those principles of the public law—always in harmony with the highest demands of the most perfect justice—but also in the light of those numerous precedents which this Government in its action in like cases has furnished for our guidance. Your committee cannot believe that the payment of interest on the moneys awarded by the Senate to the Choctaw Nation would either violate any principle of law or establish any precedent which the United States would not wish to follow in any similar case, and your committee cannot believe that the United States are prepared to repudiate these principles, or to admit that because their obligation is held by a weak and powerless Indian nation, it is any the less sacred or binding, than if held by a nation able to enforce its payment and secure complete indemnity under it. Could the United States escape the payment of *interest* to Great Britain, if it should refuse or neglect, after the same became due, to pay the amount awarded in favor of British subjects by the recent joint commission which sat here? Could we delay payment of the amount awarded by that commission for fifteen years, and then escape by merely paying the principal? The Choctaw Nation asks the same measure of justice which we *must* accord to Great Britain; and your committee cannot deny that demand unless they shall ignore and set aside those principles of the public law, which it is of the utmost importance to the United States to always maintain inviolate.

Your committee are not unmindful that the amount due the Choctaw nation under the award of the Senate is large. They are not unmindful, either, that the discredit of refusing payment is increased in proportion to the amount withheld and the time during which such refusal has been continued. That the amount to be paid is large is no fault of

the Choctaw Nation. The whole amount was due when, on the 2d day of March, 1861, Congress authorized the payment, on account of the award, of the sum of two hundred and fifty thousand dollars; and if, at that time, the bonds of the United States had been issued in satisfaction of the award, the Choctaw Nation would have received interest on them from that time, and thus derived such advantage as would have resulted, from time to time, from the payment of semi-annual interest and the sale of the gold which they would have received in the payment of interest. The bill under consideration provides that the amount due upon the award of the Senate shall be satisfied and paid, (both principal and interest,) in the bonds of the United States of like character and description as those authorized to be issued under the act of Congress entitled "An act authorizing a loan," approved February 8, 1861. They were bonds of this issue that the Secretary of the Treasury was required to deliver in part payment of the amount authorized to be paid on account of the said award under the provisions of the act of March 2, 1861. If this award had then been wholly satisfied and discharged, it would have been in bonds of this description. The act of February 8, 1861, authorized the issue of bonds to the amount of \$25,000,000 of which there have been issued \$18,485,000. There is therefore to the credit of this act, bonds to the amount of \$6,515,000, which may be issued for any purpose which Congress shall direct. Your committee bearing in mind, that the moneys so long withheld from the Choctaw nation, are in the nature of trust-funds, and that the United States had the use of these moneys for so many years before the making of the award in favor of the Choctaw Nation by the United States Senate; and that the Choctaw Nation is in a certain sense a ward of the United States, cannot recommend any other payment to them, except such as will do them perfect justice and provide for them complete indemnity. This result will be most nearly accomplished by the issue and delivery to the Choctaw Nation of those bonds which would have been issued to them had the whole award been paid at the time provision was made for its part payment, as provided in the act of March 26, 1861; and interest on the said award should be added from the time the same was made by the United States Senate; and that for these, both principal and interest, bonds of the United States, of the character and description of other bonds issued under the act of February 8, 1861, should be issued for the use and benefit of the Choctaw Nation.

Your committee believe that this course, and nothing less, will satisfy the demands of justice, and relieve the United States from the imputation of bad faith and an inexcusable disregard of treaty obligations.

AUTHORITY TO RECEIVE THE BONDS.

The bill under consideration provides that the bonds for which it makes provision shall be delivered to Peter P. Pitchlynn, and Peter Folsom, or to either of them who may demand the same on behalf of the Choctaw nation. The reason for directing these bonds to be delivered to these persons, as the delegates of the Choctaw nation, results from the fact that for more than twenty years one of these delegates, Governor Pitchlynn, many years principal chief of the Choctaw nation, has been here pressing the just claims of his nation upon the attention of Congress. He has been the accredited agent and trusted servant of his nation before the government of the United States, and he has been so recognized by the different Departments of the Government.

The evidence of the authority of the said delegates, submitted to your Committee, shows that—

The Choctaw national council, by several legislative enactments, passed respectively November 9, 1853, November 10, 1854, November 17, 1855, November 4, 1857, November 25, 1867, and March 18, 1872, constituted and appointed Peter P. Pitchlynn, Israel Folsom, Samuel Garland, and Dixon W. Lewis their special agents for the purpose of securing the payment from the United States of certain claims or demands which the Choctaw Nation and individual members thereof, had and asserted against the United States, under the treaty between the United States and the Choctaw Nation, concluded September 27, 1830. These claims are known and styled "The Choctaw Net Proceeds Claims." The first of these acts declared the powers and authority of these delegates in the following language :

That the said delegates are hereby clothed with full power to settle and dispose of, by treaty or otherwise, all and every claim and interest of the Choctaw people against the Government of the United States, and to adjust and bring to a final close all unsettled business of the Choctaw people with the said Government of the United States.
Laws of Choctaw Nation, pp. 123, 124, 125.

By the act of 1854, these agents were further authorized and instructed as follows :

To remain at Washington and continue to press to final settlement all claims and unsettled business of the Choctaws with said Government, with full powers to take all measures and enter into all contracts which in their judgment may become necessary and proper, in the name of the Choctaw people, and to bring to a final and satisfactory adjustment and settlement, all claims or demands whatever, which the Choctaw tribe, or any member thereof, have against the Government of the United States, by treaty or otherwise.

Laws of Choctaw nation, pp. 133, 134.

The act of November 4th, 1857, authorized either of the delegates who might be present in Washington to act for and on behalf of the Nation ; and the act of November 25, 1867, declared that the terms of service of the said delegates should continue until the whole business of their agency was adjusted and settled.

The delegates or agents named and appointed in and by the first of these acts, have all died except Peter P. Pitchlynn, and in the place of Dixon W. Lewis, Peter Folsom has been appointed a delegate and agent of the Nation, so that the delegates or agents of the said Nation, under the said legislative enactments are Peter P. Pitchlynn and Peter Folsom. By the fifth section of the act approved March 18, 1872, it was declared and provided as follows :

And all powers and authorities, heretofore conferred upon said delegates by several acts and resolutions of the general council, are hereby re-affirmed and declared in full force.

The money paid to the said Nation under the act of March 2, 1861, was paid directly to the said delegates and receipted for by them, and afterward duly accounted for to that Nation.

Your committee have been furnished with no evidence of any purpose on the part of the Choctaw Nation to withdraw from the said delegates any of the authority conferred upon them, and they are still as they have been for so many years the authorized and trusted delegates of the said Nation. Your committee are of the opinion therefore, that all the rights and interests of the Choctaw Nation, may safely be intrusted to the said delegates, and that the bonds for which, the bill under consideration makes provision, may with propriety and safety to the said Nation be delivered to the said delegates as provided in the bill which is the subject of this report.

CONTAGIOUS AND INFECTIOUS DISEASES.

APRIL 10, 1874.—Recommitted to the Committee on Commerce and ordered to be printed.

Mr. BROMBERG, from the Committee on Commerce, submitted the following

REPORT:

[To accompany bill H. R. 2887.]

The Committee on Commerce, to whom were referred the memorials from ports upon the Gulf of Mexico, praying for the establishment, by Congress, of a national system of quarantine, respectfully report:

That the Congress as early as 1796 considered the subject of quarantine, and in 1799 passed the law which still stands upon the statutes, as a national expression of regard for the public health. (See an act respecting quarantines and health laws, approved February 25, 1799.—Stat. at Large, vol. 1, p. 619.) The population of the Union at that time was but little more than 5,000,000, with its maximum density and all its centers, attaining the dignity of cities, lying directly upon the sea-coast. These sea-ports were the seats of a comparatively local commerce, almost completely isolated from each other by distances, then vast, by reason of the feeble means of locomotion. The laches and inefficiency of the measures of protection from diseases at any port, visited with their inevitable consequences only that community which was responsible for the neglect. The Congress could safely confine its own work to strengthening the local systems by the co-operation of its officers at the various ports, so long as each port stood by itself, and could not affect the country at large by its short-comings.

The act referred to, ample at the time for all the purposes of national action, was no measure of the scope of the fathers' regard for public security, nor a full expression of their opinion upon the powers and duties respecting national health and security of life vested by the Constitution in the National Government. In 1802 Congress enacted "An act to encourage vaccination," approved May 3, (Stat. at Large, vol. 2, p. 806,) which remained in force until 1822, (Stat. at Large, vol. 3, p. 677.) Of similar nature, though later, was the "act to provide the means of extending the benefits of vaccination as a preventive of the small-pox to the Indian tribes, and thereby, as far as possible, save them from the destructive ravages of that disease," approved May 5, 1832, (Stat. at Large, vol. 4, p. 514.) These acts were followed by that of June 26, 1848, entitled "An act to prevent the importation of adulterated and spurious drugs and medicines," (Stat. at Large, vol. 9, p. 237,) which is unmistakably of the class of "inspection" laws also belonging to the reserved rights of the States. Then followed acts of partial application as to objects, but involving the same principles, that of December 18, 1865, "to prevent the spread of foreign diseases among the cattle of the United States," (Stat. at Large, vol. 14, p. 2.) and the act amending this, approved March 6, 1866, (Stat. at Large, vol. 14, p. 3.)

Of the same class, providing for public security, but of more special application, are those acts coming down to us in unbroken lines from the times of the adoption of the Constitution, which require for their execution an invasion of State lines, but which are unnoticed, because familiar, applications of the power to regulate commerce by the national Government. Among these is the act of August 7, 1789, "for the establishment and support of light-houses, beacons, buoys, and public piers," (Stats. at L., vol. 1, p. 53,) which has been annually repeated, until we boast with pride of the most extensive system of lights in the world, girdling our States and pointing the safe roads to our ports. In the same interest, that of public safety, and by the exercise of the same power under the Constitution, that of regulating commerce, since 1853, the national life-saving stations dot the shores of ocean and lake, and their guardians keep unceasing patrol along the coasts and upon the soil of sovereign States. The act of July 16, 1798, "for the relief of sick and disabled seamen," (Stats. at L., vol. 1, p. 605,) and subsequent similar enactments, are the sources of these monuments of national benevolence which have been reared in the form of hospitals in nearly every large sea or inland port. Almost coeval with the application of steam to vessels, and the consequent development of new dangers to human life, until then unknown, the national arm is again raised, and wherever a river penetrates the farthest corner of a State lays its strong restraint upon local carelessness and individual cupidity, by the act of July 7, 1838, "to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam." (Stats. at L., vol. 5, p. 304.) Your committee allude to this familiar series of legislation in the interest of national health and security as answer to any suggestion that the proposed bettering of the present laws upon the subject of quarantine involves novel applications of acknowledged Constitutional powers, or employment of such as are disputable.

The increase in the number of great inland cities, the close lacing of all parts of the country to each other, the bringing the heart of the Union to within a few score hours of the sea-board through the annihilation of time by our immense railroad system, the enormous extensions of the methods of through cars for passengers and freight have made dangers that before the age of steam were local become national. A car, starting with every crevice filled with an atmosphere absorbed in some pestilence-stricken city of the Gulf, in a few hours lands its death-freight in some great Western metropolis, having scattered, as it came along, the seeds of disease wherever a locomotive's spark has fallen. Or some cholera-laden immigrant is taken up in an Atlantic port, is borne with lightning speed, and, before the smell of salt-water has left his garments, is dropped, to open the dance of death among an unsuspecting community, removed by a thousand miles from all thought of infected ships or incompetent quarantines. This change in the relations of the sections of the Union to each other, which has come with increasing population and the agency of steam; this carrying of the sea-board and all its dangers of imported plagues back into the very center of the States; an intimacy, too, which extends outward as well as inward, which, while carrying the sea-board back into the country, has brought Europe, Cuba, Mexico, and other foreign lands closely up to our sea-board, has made the questions of epidemics not only of national but international importance. The statesman studying them sees the necessity of new, more comprehensive and more pre-arranging measures of protection than those which suited the primitive ages of the nation; measures commensurate with the modern magnitude

of the danger, which shall make application not only at home of the advanced knowledge of public hygiene of to-day to repel, but abroad, shall use the international relations to track, map out, predict, and thus be enabled to prepare for the approaching death-wave, as is now done for that of the storm and rain.

The danger of epidemics is one constantly augmenting with each additional mile of railroad, on account of the peculiar configuration of our country, having its valley-lines running north and south, and its climates shading imperceptibly into each other; contagious and infectious diseases attach themselves to goods, and infect the holds of vessels, as well as the bodies of men and animals. Under the present local systems no place knows of its danger, even when danger has actually entered its port, because of the entire absence of reliable information respecting the sanitary condition of foreign countries, the only knowledge being imperfect reports and indefinite rumors. The security of the entire people of this Union is, as matters now are, dependent upon the skill, vigilance, and conscientiousness of the varying and sometimes clashing machinery of a hundred different ports, whose engineers grope about in blindness, feeling for the hidden plague. The officers of a national system would be guided by the certain light that would come from systematic international reports of the exact sanitary condition of every foreign country. The official information respecting epidemics of cholera and yellow fever, gathered by skilled medical officers of the Government, is hereby referred to and presented as a part of this report as arguments from which each will readily draw his own conclusions.*

The bill offered to the consideration of the House, while guarding the nation from the consequences of local ignorance or negligence, leaves every community untrammelled in the exercise of its unquestioned right to protect itself by means of its own choosing.

It creates no new officers.

* See circular No. 5, War Department, Surgeon-General's Office, May 4, 1867. Report on Epidemic Cholera.

Circular No. 1, War Department, Surgeon-General's Office, June 10, 1868. Report on Epidemic Cholera and Yellow Fever in the United States Army during 1867.

Letter from the Secretary of War communicating information in relation to quarantine on the Southern and Gulf coasts. Senate Ex. Doc. No. 9, Forty-second Congress, 3d session. Report of Assistant Surgeon Harvey A. Brown.

Letter from the Secretary of War transmitting a report of the Surgeon-General concerning the epidemic of yellow fever in the United States in 1873. House of Representatives, Ex. Doc. No. 85, Forty-third Congress, 1st session.

Annual Report of the Supervising Surgeon of the Marine Hospital Service of the United States for the fiscal year 1873, (John M. Woodworth, M. D.):

1. Tax-paying seamen in quarantine hospitals, p. 15.
2. C. The yellow Fever Epidemic of 1873, p. 99.
3. B. The distribution and natural history of yellow fever as it has occurred at different times in the United States. (By J. M. Toner, M. D.,) page 63.

BELIEF OF THE BUILDERS OF THE STEAMERS LA PORTENA, EDWARD EVERETT, F. W. LINCOLN, AZALIA, AND N. P. BANKS.

APRIL 10, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLEY, from the Committee on Ways and Means, submitted the following

REPORT:

[To accompany bill H. R. 2795.]

In the examination of this claim there are two questions for consideration:

First. Was this tax for which a drawback is claimed paid by Messrs. McKay & Aldus to the Government?

Second. Was the tax properly assessed, and should any have been paid under a fair construction of the law?

The claim is to refund to Mr. McKay the sum of \$6,574, alleged to have been improperly assessed by the revenue-officer, and paid by him to the Government as tax upon the hulls and engines of vessels built by him at East Boston, and exported from this country to South America. The registers of the different vessels were surrendered abroad, as will be seen by letter from the Register of the Treasury, and they, being denationalized, could never return to this country as American vessels. The facts relative to the payment of the tax are clearly set forth in the following letter from Hon. Luke Bemis, who was the collector to whom payment was made:

“OFFICE OF U. S. SUPERINTENDENT,
“Gun Mills, Pa., December 27, 1873.

“SIR: Agreeably to your request, I give you, so far as I can recollect, the facts relating to Mr. McKay's claim for drawback.

“While I was a deputy collector of internal revenue for the fourth district of Massachusetts, (Mr. Clapp,) the assessor returned to our office some assessments for taxes on vessels built by McKay & Aldus, as they (McKay & Aldus) said, for a foreign government. Mr. McKay, the partner with whom I was brought in immediate contact, refused to pay the tax on the ground that the vessels were built for foreigners, and had gone or would immediately go out of the country. I told him that the tax had been returned by the assessor for collection, and that consequently I must collect, pay it myself, or make a return that it was uncollectable; that his proper course was to pay the tax and get the drawback. My impression is that I did in one case levy on their property, and that then they paid the tax.

“I do not recollect that they made a claim for drawback through the

fourth collector's district ; but after I was appointed superintendent of exports and drawbacks, a claim was made through my office. I do not remember on what ground the claim was rejected, but that in my correspondence with the Department I took the ground that the sale to a foreign government or individual denationalized the vessel, and that consequently McKay and Aldus were entitled to a drawback of the tax as much as parties who shipped merchandise, and that the sale of a new vessel should operate as a landing-certificate on merchandise.

"If the vessel and machinery had been put on board another vessel and shipped, *there could have been no question* of the owners being entitled to drawback, and I can see no reason why going by itself should make any difference.

Very respectfully,

"LUKE BEMIS.

"Hon. WM. D. KELLEY,
" *Washington, D. C.*"

At the time of the payment of this tax there was a drawback on all machinery exported, as will appear by the following letter from the honorable Commissioner of Internal Revenue :

• "TREASURY DEPARTMENT,
"OFFICE OF INTERNAL REVENUE,
" *Washington, January 24, 1873.*

"SIR : In reply to your inquiry of the 23d instant, as to whether drawback was allowed on machinery exported from the United States during the years of 1863, 1864, and 1865, you are informed that drawback was so allowed during the time stated.

"Very respectfully,

"J. W. DOUGLASS,
" *Commissioner.*

"NATH'L MCKAY, Esq.,
" *Imperial Hotel, Washington, D. C.*"

The act of June 30, 1864, provided that, from and after that date, there shall be an allowance or drawback on all *articles* on which any internal duty or tax shall have been paid, except raw or unmanufactured cotton, refined coal-oil, &c., equal in amount to the duty or tax paid thereon, and no more, exported, &c. * * * (Stat. at Large, vol. 13, page 302, sec. 171.)

The reason assigned by the Department in refusing to refund this tax was under, what seems to your committee, a narrow construction of the law that a vessel was not an article; but they assessed and collected the tax as on articles, the hulls and engines separately, the same as if they were to remain in this country. Why should not the same construction of the law govern this case as would allow a drawback on agricultural implements or machinery shipped abroad and taxed at the time these vessels were sold ?

Tax was collected on all the materials that entered into the construction and fitting out of these vessels; the contractor's license as well as the income-tax, on the supposed profits were paid; and we submit that to compel payment of the tax in question under the state of facts before

us was unjust, and that the construction of the law if held good would tend to cripple our industries in the building of ships for a foreign flag.

From papers before us we are satisfied that tax was paid on the following-named vessels built by the claimant and his partner, Mr. Aldus; the amount and date of payment set opposite of each :

Name of vessel.	Monthly list on which the tax was assessed.	Valuation.	Rate.	Tax on each article.	Total.
			<i>Per cent.</i>		
N. P. Banks	August, 1863. {	Engines, &c., \$80,000	2	\$1,200	
		Engines, &c., \$15,000	3	450	
					\$1,650
Azalia	March, 1864. {	Engines, second-hand	2	160	
F. W. Lincoln	July, 1864. {	Engines, &c., \$25,000	2	500	
		Engines, &c., \$30,800	3	624	
					1,124
Edward Everett	February, 1865. {	Engines and boiler \$33,000	2	640	
		Engines and boiler \$15,000	3	450	
		Iron-work, \$600	5	30	
					1,120
La Portena	September, 1865 {	Engines, &c., \$30,000	2.4	720	
			6	1,800	
					2,520
Total					6,574

Your committee is impressed with the importance of this claim, based on the reasons before stated, and reports the accompanying bill with amendment, and recommends its passage.

INTERNATIONAL LAND AND IMMIGRATION COMPANY.

APRIL 11, 1874.—Recommended to the Committee on Public Lands and ordered to be printed.

Mr. HERNDON, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 2888.]

The Committee on the Public Lands, to whom was referred the bill H. R. 1721, having had the same under consideration, beg leave to report :

That the objects sought to be obtained by this bill are so momentous and so vitally affect the interests of immigrants, settlers, and the country generally, that the committee have given it the most severe scrutiny and careful examination, and have amended it in several important particulars, so that the real objects contemplated by the bill and the true interests of all parties are carefully preserved.

There is no doubt but that the measures of the bill, properly carried out, will be of immense benefit to all immigrants coming to our shores, and equally so to the different sections of our entire country.

The company, through its agents, are required to take the immigrant from his place of departure in Europe to his new home in the United States, securing him safe and comfortable transportation across the ocean and to his final destination, protecting him from robbery and imposition of every kind, so that there shall be no just ground of complaint on his part.

They also propose to extend their guardian care around him until he is fully and firmly and finally settled in his new home with all practicable comforts around him.

They propose to complete arrangements by which immigrants can deposit their means with the agents of the company in Europe, receiving orders for the same upon the agents of the company in the United States, and draw the whole of it, or such portions as they may desire from time to time. Where the immigrants prove themselves worthy and reliable, the company further propose to advance them money, agricultural implements, stock, food, clothing, &c., as they may require, until the immigrants are able, from the products of the land, or from their industry in other pursuits, and by small installments, to reimburse the advances with interest, and pay for their lands, buildings, &c.

As the operations of the company may extend over the greater portion of our country, they will require agencies in every section to care for the immigrants, see that their titles are perfect, and that they are in no way improperly interfered with, and also to collect for the company the amounts owing by the immigrants.

The committee have found it necessary and expedient to confer on the company such powers as will enable them to accomplish these objects, and in so doing have restricted them to the narrowest practicable limits.

The benefits that will accrue to all sections of this country from the operations of this company are apparent, for although the company does not propose in any manner to interfere with or operate in the public lands of the United States, there are large tracts in almost every section that now remain uncultivated, unimproved, and uninhabited, and where the owners are anxious to dispose of them to actual settlers.

The labor and capital thus brought into the country will clear and cultivate our waste and unimproved lands; will give new life and stimulate every branch of industry; will cause villages, towns, and cities to spring up in places now uninhabited, and materially advance the financial, mechanical, manufacturing, and agricultural wealth of the various sections in which they settle, and give to these sections that which is always considered the true wealth of a nation, an industrious, economical, and laborious population, securing at the same time the best interests of the settlers.

In all these operations, however, great care has been taken by the committee so to restrict the powers of the company as to prevent any possible abuse, and to secure to the immigrants prompt remedies for all just grounds of complaint.

The benefits of the systems devised by this company have already been partially realized in several sections of this country.

By the act of Congress of the 28th of September, A. D. 1850, 2,595,053 acres of land were granted to the State of Illinois for the construction of the Illinois Central Railroad. This company in disposing of these lands adopted a system somewhat similar to that now proposed, and in the short space of about seven years the road was built, public lands all taken up, and the company were enabled to dispose to actual settlers at from \$5 to \$15 per acre vast quantities of land which had remained in market for years subject to entry under the graduation laws. The results have proved that while the population of Illinois in 1850 was 851,470, it had increased to 1,711,951 in 1860; and to 2,539,891 in 1870. The value of all the property in Illinois in 1850 was \$156,965,006; in 1860, \$389,207,372; and in 1870, \$764,787,000, showing an increase in the first-mentioned decade of 101.058 per cent. in population and 150 per cent. in value of property, and in the second-mentioned decade 48.36 per cent. of population and 96.498 per cent. of valuation of property.

Thus Illinois, which was only the eleventh State in population and wealth in 1850, by this process has become the fourth, both in wealth and population, being now only "outranked" in these particulars by New York, Pennsylvania, and Ohio, though much smaller in area than either of these, or several other sister States. But at the same ratio of increase made for the last ten years, Illinois in 1874 has a population of 3,030,597, and a wealth of \$3,335,281,870—giving her the third place in the Union for population and wealth. Similar results can be accomplished in all the other States and Territories where a similar line of policy is effectively pursued, and such is the policy that this company propose to carry out.

Local efforts have been made by States, companies, and individuals to carry out the objects proposed by this company, and they have been in some instances successful, particularly in the localities where their operations have been confined.

This company, however, being national in its character, must of necessity, in carrying out its operations, publish to the world the character of the soil, climate, agricultural and mineral productions, manufacturing facilities, and mercantile and agricultural advantages of the entire country, so that while they may reap a portion of the benefit of this system the intrinsic wealth and great advantages of settling in this country will through this medium be communicated abroad throughout Europe.

Realizing these great advantages, and believing that they can be obtained by the plan proposed, the committee report the accompanying bill for that purpose.

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DEPREDACTIONS ON THE TEXAS FRONTIER.

APRIL 11, 1874.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GIDDINGS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H R. 2889.]

The Committee on Indian Affairs, having under consideration the bill to ascertain the amount of damages sustained by citizens of Texas from marauding bands of Mexicans and Indians upon the frontier of Texas, respectfully report:

That the frontier of Northern and Western Texas, a distance of about fifteen hundred miles, is now, and has been for years, subject to depredations, on the northern border by Indians and on the western by Mexicans and Indians. Evidence before the committee tends to show that the markets of Mexico have been used openly and publicly to effect the sale of property robbed from the people of Texas; and, to a considerable extent, that Government contractors deal in cattle stolen from the citizens of that State, and sell them to the Government to supply the troops and Indians on the Fort Sill reservation; that a very large number of cattle have been stolen monthly and driven to Mexico, upon the Western Rio Grande, and also a large number from the northern and northwestern border and driven to Mexico or into the Indian Territory and to Fort Sill, since the close of the civil war in 1865.

It further appears, in sworn affidavits and certificates of clerks of district courts of a number of the frontier counties of the State of Texas, and evidence adduced before the committee, that, since 1872, over one hundred white men have been murdered by Indians, and a large number of women and children carried into captivity; that the number of head of cattle and horses stolen since that time exceeds one hundred thousand, a portion of which were taken to Fort Sill and sold to Government contractors to supply troops and Indians.

The evidence before the committee tends to show that there is but very little security for life and property upon this frontier; that over one thousand persons, whose names were submitted to the committee, accompanied by sworn statements and certificates of officers as to the truth of the charges made, have suffered loss at the hands of Mexicans and Indians; that the absence of proper protection to this frontier has resulted in subjecting a territory covering not less than sixty thousand square miles to pillage and the inhabitants to savage depredations. The failure of the Government to afford to these people that protection to which all citizens are entitled, in the opinion of this committee entitles their claims for losses sustained to careful consideration. To the end, therefore, that they may be satisfactorily ascertained, the committee

think it proper that a commission should be appointed to go upon the ground and examine in person the claimants and witnesses, and that thereby Congress will obtain reliable information as to the condition of affairs upon the frontier and best subserve the interest of the Government and the honest claimants.

It appears from the evidence before the committee that the number of claimants is very large and the territory over which depredations have been committed so extensive as to render it impossible for the Secretary of the Interior, even had he jurisdiction over those committed by Mexicans, to make the necessary investigation, and adjust such losses as the Government may be liable for under existing laws and regulations: and that therefore justice to the claimants and to ascertain the obligations of the Government require a thorough investigation and report, from an intelligent commission acting under the authority of law within the limits of the territory in which the depredations have been committed, of all the facts, as to their nature and extent, by whom, whether Mexicans and Indians jointly or separately, and by what band or tribe, or of lawless adventurers among the Indians, that they may be laid before Congress for its action.

A reference to the legislation on the subject may not be inappropriate. Chapter 13, Laws of 1802, section 14, (2 Stat. at Large, 143,) provides—

That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proof, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction: and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing therein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*. That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indians, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

Section 17 of the act of 1834 provides—

That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there, take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superin-

tendent, agent, or sub-agent, to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That, if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury, such claim shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States; *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

Section 8, act of 1859, vol. 11, Statutes at Large, page 401, repeals so much of the act of 1834 as provides for the indemnification by the United States for property taken and destroyed in certain cases by Indians trespassing upon white men, as described in said act, and provides that nothing therein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of annuities due them by the United States.

Section 6, act of 1856, vol. 11, page 81, directs the Secretary of the Interior to cause an investigation to be made of claims for depredations committed by Indians in the Territory of New Mexico.

Section 2, act of 1858, vol. 11, page 363, provides for the appointment of a commission to go to the Territories of Oregon and Washington to audit and settle the amount of claims for Indian depredations, and to pay the same so far as existing appropriations shall be sufficient.

By act of 29th of May, 1872, vol. 17, Statutes at Large, page 191, sec. 7, provides, "That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature and character and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claims shall be made without a specific appropriation therefor by Congress."

Act of May 4, 1870, authorizes the withholding of any annuities to Indians who have American captives until said captives shall be returned. (Vol. 16, Statutes at Large, page 377.)

In view, therefore, of the law and the previous action of the Government in relation to claims for depredations committed by Indians, and its obligations to protect its citizens in their lawful rights, the committee are of the opinion that these claims are entitled to the investigation recommended, in order that their amount and character may be ascertained with the least expense to the parties injured, and that they may be finally settled, and such just demand for indemnification made by the Government on that of Mexico growing out of acts of violence and robbery by citizens of that country upon the citizens of the United States.

L'ANSE AND VIEUX DE SERT BANDS OF CHIPPEWA INDIANS.

APRIL 11, 1874.—Recommitted to the Committee on Indian Affairs and ordered to be printed.

Mr. RICHMOND, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1698.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1698) "for the relief of the L'Anse and Vieux de Sert bands of the Chippewa Indians, in the State of Michigan," having had the same under consideration, and come to conclusions thereon, make the following report :

In 1854, September 30, a treaty was made and concluded between the United States on the one part, and the Chippewa Indians of Lake Superior and of the Mississippi on the other, and proclaimed January 29, 1855, in which the Chippewas of the Lake ceded to the United States a large body of land, defined by metes and bounds, which before was the common property of the whole tribe. The Chippewas of the Mississippi assented to this session, and also agreed that all the money or property to be given or paid therefor by the United States should be given and paid to the Chippewas of the Lake; in consideration of which the Chippewas of the Lake relinquished to the Mississippi Chippewas all their interest in all the lands west of those ceded to the United States.

The treaty, in the second article, provides as follows, viz :

The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following described tracts of lands, viz :

1st. For the L'Anse and Vieux de Sert bands, all the unsold lands in the following townships of the State of Michigan: Township fifty-one north, range thirty-three west; township fifty-one north, range thirty-two west; the east half of township fifty north, range thirty-three west; the west half of township fifty north, range thirty-two west; and all of township fifty-one north, range thirty-one west, lying west of Huron Bay.

Now, what is claimed is this: It is alleged by the claimants that the phrase, "lying west of Huron Bay," is an interpolation; that it was added to the treaty as printed, either by design or mistake; that they were, by express agreement, at the time of making the treaty, to have the whole of the last-described township, and not simply a part of it.

To sustain this averment the following evidence is produced :

First. The conduct and acts of the Government itself, in this: as early as March 7, 1855, within six weeks after the treaty was proclaimed, the whole of said township was, by special order of the President, withdrawn from sale or entry, and was for many years thereafter, or

until 1869 and after, treated as lands belonging to said reservation. The Indians always claimed them as such, and the Government, through a series of years, has recognized and acknowledged the validity of their claim; as evidence of which, there is submitted herewith the letter of the Secretary of Interior, of March 7, 1855, with the order of the President, withdrawing said township from entry and sale, to which is attached a diagram of the four reserved townships; also a letter of the Commissioner of Indian Affairs, under date of February 11, 1874.

Second. Again, we have the evidence of Mr. P. Marksman, in a letter to the Hon. A. T. Mitchell, under date of April 2, 1872, in which he states, in substance, that he acted as agent, or "spokesman," as he terms it, of the Indians at the time the treaty was made, and drew the lines on the map for the reservation of the four townships; that the map or draught attached to the copy of the President's order of March 7, 1855, showing said townships, he recognizes; that he drew the lines on the map so as "to embrace the fishing-grounds on Keewenaw Bay and Huron Bay, and maple-lands for farming and sugar;" that the chief so understood it at the time. He further says that about a year after the promulgation of the treaty he discovered the mistake, and called the attention of the Indian agent (Mr. Gilbert) to it, who promised to have it rectified.

We have, also, a letter of the Hon. George I. Betts, United States Indian agent, Michigan, addressed to the chairman of the House Committee on Indian Affairs, confirmatory of all these facts, in which he says that for some sixteen years the entire of the four townships remained undisturbed as their (the Indians') reservation, and was so recognized by the Government and the people of Lake Superior. In 1869, some speculators in public lands discovered valuable minerals in this township, fifty-one. They immediately went to work, while the secret remained theirs, to have it restored to market. They finally succeeded so far as to induce the Government to restore to market so much of the township, by far the larger and more valuable portion, as lies east of Huron Bay.

It is proper to remark here that the character of these two men, Marksman and Betts, for strict integrity and intelligence, is vouched for in the warmest terms by the honorable member and Representative from the ninth district of Michigan, in this House, who has known them both long and well. Marksman is an educated, civilized, and Christian Indian, known intimately to the Representative from the ninth district since the year 1855.

The number of acres restored to market in said township amounts to 18,907.09 acres.

Under the facts as above set forth, and as they clearly appear in the case, the committee are of the opinion that these two bands of Indians have been unjustly dealt by and wronged, by an appropriation of valuable lands intended and supposed to have been secured to them by the terms of a formal treaty; and that they are clearly entitled to the indemnity they seek. They therefore recommend that the bill for their relief be passed, adding at the end of section 2 the following amendment:

Provided, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

APPENDIX.

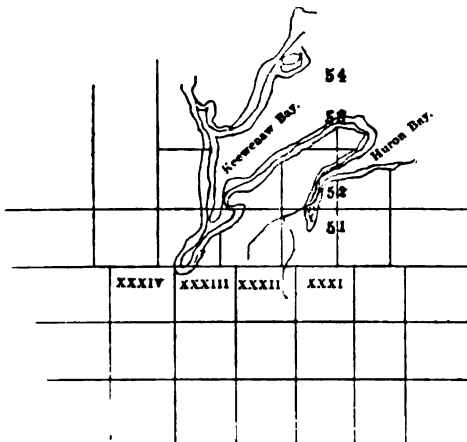
1. Letter of R. McClelland, Secretary of the Interior.
2. Order of F. Pierce, President of the United States.
3. Letter of P. Marksman, agent of Indians.—Indorsement of Hon. Jay A. Hubbell.
4. George I. Betts, Indian agent, Michigan.
5. Letter of E. P. Smith, Commissioner of Indian Affairs.
6. Letter of Willis Drummond, Commissioner of the Land-Office.

1.

DEPARTMENT OF THE INTERIOR, March 7, 1855.

SIR: I have the honor to inclose a communication from the Commissioner of the General Land-Office, dated the 23d ultimo, with its accompanying papers, in relation to the reservation of certain lands for the Chippewa tribe of Indians, as stipulated in the treaty with those Indians which was ratified on the 10th of January last.

UPPER PENINSULA, MICHIGAN.



The Commissioner is of the opinion that the treaty of itself is sufficient authority for him to direct the reservation of all the lands mentioned therein which have not yet been surveyed; but that, as the tracts mentioned as being situated on Keeweenaw and Huron Bays, in the State of Michigan, have been surveyed and made subject to entry at private sale for some time past, it will be necessary to obtain your special directions for the reservation of these lands.

As I concur in this view of the subject, I have caused the proper order to be drawn on the back of the inclosed diagram, for signature, in case you should approve of the same.

I am, sir, with great respect, your obedient servant,

R. MCCLELLAND, *Secretary.*

The PRESIDENT.

2.

EXECUTIVE OFFICE, March 7, 1855.

Let the tracts on Keeweenaw and Huron Bays, in the State of Michigan, and shaded red with a blue margin on the within diagram, be reserved from sale or entry for any purposes not [in]consistent with the stipulations of the first clause of the second article of the treaty with the Chippewa Indians, ratified on the 10th day of January, 1855.

FRANKLIN PIERCE.

3.

WASHINGTON, D. C., April 2, 1872.

Hon. A. T. MITCHELL:

SIR: I desire to state a few facts in regard to my knowledge of what was the understanding at the time the treaty was made with the Chippewa Indians at La Point, September 30, 1854. I was chief spokesman for the Indians, and drew the lines on the map for the reservation of the four townships at L'Anse.

I recognize the map pasted on to the copy of the President's order, dated March 7, 1855, from the Secretary of the Interior to the President for the withdrawal of the four townships. When the treaty was first seen by me after it was sent on from Washington, about a year after the treaty was made, I saw the mistake in it and called the attention of the

Indian agent, Mr. Gilbert, to it, who promised to have it rectified as stated in our letter of March 12, 1872, to our father, the President. I drew the lines so as to embrace fishing-grounds on Keewenaw Bay and on Huron Bay and maple-lands for farming and sugar. This was the understanding of all the chiefs at the time. I have respectfully to request (as nearly all the lands in one of the townships which had been reserved to us have been restored to market and sold) that the proceeds of the sales made and to be made be given by the Government to the Indians, and thus doing what now lies in its power to rectify this error.

Very respectfully,

P. MARKSMAN.

[Indorsement.]

I have known Peter Marksman intimately since the fall of 1855, and during that time have resided near him. He is a thoroughly truthful man and so reliable and careful of what he says that I would not for a moment hesitate to take his written statement on any subject and give it the same effect as though made on oath. He is a minister of the Gospel, and has by a long and faithful life endeared himself to all who know him.

JAY A. HUBBELL,

Member of Congress, Ninth District, Michigan.

4.

Hon. Chairman of Committee on Indian Affairs, House of Representatives :

SIR: I desire to make a few statements of the facts, as I understand them, and believe to be a candid and truthful view of the claims of the Chippewa Indians of Lake Superior to compensation for lands restored to market, and sold or unsold in township 51 north, of range 31 west, State of Michigan. For seven years I resided in the vicinity of this tribe of Indians. For four years was superintendent of their missions; was there at the time this town was restored to market, and have had every opportunity to become familiar with the case. The Indians have frequently conversed with me, also, upon this subject since I became United States Indian agent, and from all I can learn I believe their claim, as set forth in bill —, to be just.

At the time the treaty of 1855 was made, the commissioners, after a long council with the chiefs and head-men of the tribe, showed them a map, and requested them to mark out on that map such lands as they wished to be reserved as a perpetual reservation for the L'Anse and Vieux De Sert bands.

Peter Marksman was their spokesman. He made a careful selection of four townships, marking them on the map as presented to him, and this map was the only thing they had at the time showing the land reserved. For some sixteen years the land embraced in town. 51, together with the other three town., remained undisturbed as their reservation, and recognized by the Government and people of Lake Superior as such. In 1869 some mineral-land speculators made the discovery of valuable minerals in this town. 51, and set themselves to work to have it restored to market, and for several days and nights stood at the land-office doors awaiting the telegram announcing its restoration to market, and when it came they entered a very large portion of the land. All this was accomplished before the Indians had any knowledge of what was being done, and in their helplessness and deep regrets at the loss of this town., which afforded them splendid fishing, hunting, and sugar-making grounds, they now ask, as in the bill aforesaid, simply to be compensated, or to have the proceeds of the sale of said land passed over to them. I believe their claims to be just and reasonable, and trust that your honorable committee will so consider it, and recommend the passage of the bill.

Very respectfully,

GEO. I. BETTS,

United States Indian Agent, Michigan.

[Indorsement.]

The within statement is from a perfectly reliable man, and is substantially a true account of the matters therein referred to.

The parties who became purchasers of the land in question, for a long time knew of their value and tried to lease the same of the Indian Department, supposing they belonged to the Indians. The discovery that they were not embraced within the letter of the treaty of 1855, was made, or rather grew out of a discussion with Colton, the

map-maker. On his map of this country the reservation was shown as set forth in treaty, and a dispute as to the fact caused an examination of the treaty, from which action resulted which brought the lands into market.

I ask, as an act of justice to these Indians, a favorable consideration of bill 1698.

JAY A. HUBBELL,
Member of Congress, Ninth District, Michigan.

5.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1874.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 6th instant, inclosing House bill No. 1698; copy of a letter dated March 7, 1855, addressed to the President by the Secretary of the Interior, and copy of the President's order of the same date, withdrawing certain lands from market for Indian purposes, and letter dated April 2, 1872, addressed to Hon. A. T. Mitchell, by P. Marksman, relative to the rights or equitable claims of the L'Anse and Vieux De Sert bands of the Chippewa Indians of Lake Superior.

You desire to be advised whether said bands are equitably entitled to the lands described in the bill submitted by you, from any understanding had with the said Indians at the time of making the treaty of September 30, 1854, or from any correspondence on file in this Office.

You also invite suggestions for any alterations in the bill that may be deemed advisable by this Office.

In reply, you are advised that it does not appear from any official records, nor is it within the knowledge of this Office, that there was any understanding, at the time the treaty was concluded, that the whole of township 51 north, of range 31 west, in the State of Michigan, was intended to have been embraced in the treaty above referred to for the use of said L'Anse and Vieux De Sert bands of Chippewa Indians.

In view of the fact, however, that the whole of said township was withdrawn from sale, for the use of the bands above mentioned, as early as March 7, 1855, and for the reason that the said Indians have always claimed the whole of said township, and been encouraged by the Government to do so by treating said lands as a part of their reservation, this Office recommends the passage of the bill referred by you, with the following proviso at the end of section two, to wit: *Provided*, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

The bill and accompanying papers are herewith returned.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. JAY A. HUBBELL,
House of Representatives.

6.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., April 2, 1874.

SIR: I have had the honor to receive your letter of the 31st ultimo, and in reply have to state that the number of acres restored to market in township 51 north, range 31 west, in Michigan, east of Huron Bay, pursuant to a letter from this office to the register and receiver at Marquette, Michigan, dated December 6, 1870, amounts to 18,907.09 acres.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. JAY A. HUBBELL, *House of Representatives.*



ANNE M. ENGLISH.

APRIL 11, 1874.—Ordered to be printed.

Mr. GERRY W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT :

The Committee on War-Claims, to whom was referred claim of Anne M. English, widow of Thomas English, late of Natchez, Miss., for damage to mills, \$6,600, and rent of same, \$9,200, amounting in the aggregate to \$15,800, having had the same under consideration, respectfully report as follows :

It appears from the proofs furnished, that on or about the 1st day of September, 1863, the flour and grist mill, and muley-saw mill of said English, located at the city of Natchez, in the State of Mississippi, were seized by and under the orders of Capt. Edward L. Whitney, at that time post-commissary for the post of Natchez, for the use of the army, and were used and occupied by the military authorities up to the 17th day of March, 1866.

That, in order to render said premises available as a store-house, the machinery therein was removed, and army stores deposited in the same. When the property ceased to be required for military purposes by the Government, it was surrendered and given up.

There is no ground on which this can be distinguished from the large class of cases of damage to property growing out of the prosecution of the war in the enemy's country, for which no legal liability has ever been recognized.

The Government not being liable for property taken, used, damaged, or destroyed by Government authority, so far as dictated by the necessary operations of the war, nor by the operations of the enemy, cannot be charged with any liability in this case.

If it were necessary to inquire into the loyalty of the owner of the property, or the widow who makes the claim, at the time the same was seized, we should be constrained to say that there is just proof enough on that question to raise a strong presumption against the said parties.

The committee, therefore, recommend that the said claim be disallowed.

WILLIAM J. BLACKISTONE.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BURROWS, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 554.]

The Committee on Claims, to whom was referred the bill (H. R. 554) for the relief of William J. Blackistone, of Saint Mary's County, Maryland, make the following report:

Under the authority of an act of Congress, approved July 13, 1861, providing for the collection of duties on imports and for other purposes, and of an act supplementary thereto, approved May 20, 1862, preventing the conveyance of arms, munitions of war, and other supplies, to persons in insurrection against the United States, the Secretary of the Treasury established regulations concerning internal and coastwise commercial intercourse, and appointed officers and agents to execute the same.

Under the provisions of paragraph VI of these regulations, dated August 28, 1862, the claimant was appointed a "board of trade" for the counties of Charles and Saint Mary's in the State of Maryland. He performed this duty satisfactorily from the 15th December, 1862, to 15th September, 1863, nine months, for which service he received no compensation except the sum of \$14.

The reason that he was not paid was owing to the fact that he made no application until the fund from which such payments had been made was covered into the Treasury. The new regulation of the Treasury, of September 11, 1863, has changed the service and superseded this agent by the functions of another officer.

The special agent of the Treasury has recognized the claimant's services, and recommends an allowance of \$4 per day, amounting to \$972.

The committee are satisfied that he ought to be paid the amount recommended, and therefore report the bill back without amendment, and recommend its passage.

DABNEY WALKER.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HOWE, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 2890.]

The Committee on Claims, to whom were referred the petition and papers of Dabney Walker, late scout and guide to the Army of the Potomac, beg leave to report :

Dabney Walker was a slave in Virginia, near Fredericksburgh, and alleges that, on the 8th day of May, 1862, at the request, and upon the promise of General M. R. Patrick, provost-marshal-general of the Army of the Potomac, that he should be paid \$5 a day for his services, entered upon the service of the Government, under the command of General King, and under the immediate direction of one Captain Paine, at Falmouth, Va., and continued in service until the 23th day of August, 1862; that, on the 1st day of January, 1863, he again entered the service as scout and guide, under General Hooker, and performed service till the 14th of July, 1863; that, on the 1st day of May, 1864, he again entered the service under command of General Grant and continued in service till July 13, 1864—in all, rendering service in 1862, three months and twenty days; in 1863, six months and fourteen days; and in 1864, two months and thirteen days; total, twelve months and seventeen days.

He further alleges, and the records of the War Department show this to be the fact, that for this service he only received \$360.

He could collect no further sum for the service rendered between May 1, 1862, and July 14, 1863, because, on or about the 1st day of October, 1863, his house in Washington, wherein his vouchers were deposited for safe-keeping, was destroyed with said vouchers by fire.

He could collect no further sum for services rendered after that for the reason that, as he was leaving camp on the 5th of May, 1864, to perform hazardous duty, he left in charge of one Colonel Sharpe, acting assistant provost marshal, all his papers, including several showing the fact of his being employed as scout and guide. This he did at the suggestion of said Sharpe, for the reason that, if captured, they would prove dangerous evidence against him, the confederate authorities having set a price on his head. These papers so intrusted to Colonel Sharpe were never returned to him, although he made repeated applications for them, and so importuned Sharpe as to cause him to get very angry with Walker, who makes affidavit that Sharpe finally said to him

that he "never should receive a cent from Government if he could help it."

Yet other papers tending to establish his claim he afterward left in the hands of Hon. William D. Kelley who proposed to bring his claim before Congress, but which Mr. Kelley so mislaid that he cannot now produce them, as is set forth by a statement over his signature, which is hereunto appended.

The petitioner proves that he rendered the services that he claims pay for by the affidavits of Francis Mohoney, Tarleton Latony, and Carleton Matthews, who served with him in different capacities and were personally cognizant of the facts in the case.

General Abner Doubleday, who, during a portion of the time that Walker claims pay for, commanded a brigade in King's division, has written the following letters of the respective dates of February 24, 1869, and March 31, 1874:

COLEMAN HOUSE, *New York, February 24, 1869.*

DEAR SIR: I wrote to the Adjutant-General of the Army stating my opinion that your services had been very valuable to the Army of the Potomac. I remember that we gained a large quantity of forage that had been secreted in Fredericksburgh, and I think it was through information obtained by you. I think your claim is a just one, and hope it will be passed.

Yours, very truly,

ABNER DOUBLEDAY,
Brevet Major-General.

T. DABNEY WALKER,
Care G. H. Phillips, Thirteenth street, between R and S streets, Washington, D. C.

WILLARD'S HOTEL, *Washington, D. C., March 31, 1874.*

DEAR SIR: In answer to your request it affords me pleasure to make the following statement in reference to your services.

One of the first measures ordered by General Pope, upon assuming command of the Army of Virginia, June 26, 1862, was, that the cavalry attached to King's division should endeavor to break up the Virginia Central Railroad. In obedience to this order, our cavalry made frequent and successful incursions against the road. They burned the depot at Beaver Dam station, (July 20, 1862,) and tore up several miles of rails. They also had a severe contest with Stuart's cavalry, and defeated it, near Carmel church. These raids inflicted much damage upon the enemy, and probably retarded his advance for a considerable length of time. Dabney Walker acted as guide and scout on these occasions. His thorough knowledge of the country enabled him to lead our troops to the most vulnerable points in the enemy's line of communications, and who were so much incensed against him that they offered a heavy reward for his head. I know nothing of the contract or agreement under which Dabney acted, but I can testify that his services were of great value, and that through his instrumentality our men captured public animals and property far exceeding the amount of his claim. I commanded a brigade in King's division at the time referred to, and am personally cognizant of the circumstances.

Yours, very truly,

ABNER DOUBLEDAY,
Brevet Major-General United States Army, late Major-General of Volunteers.
DABNEY WALKER,
Washington, D. C.

The Hon. William D. Kelley, whose statement has before been referred to, under date of March 1, 1872, writes to the Committee on Claims as follows:

WASHINGTON, D. C., *March 1, 1872.*

GENTLEMEN: Soon after the close of the war I became acquainted with Dabney Walker, a colored man, who had, as he then informed me, been employed as a scout and guide in the Army of the Potomac, but whose pay had been withheld as the result of his own ignorance of the methods of securing proper vouchers and regular payment. He produced to me, and placed in my hands, certain printed and written papers which,

together, made a chain of evidence proving the correctness of his statement. These papers showed, among other things, that, by a combination between himself and his wife, who was still within the confederate lines, they had, by what was called the clothes-line telegraph, been able to render peculiar and efficient service to our Army. He is an illiterate man and could not give me information sufficiently specific to enable me to procure the proper official evidence of his services as scout and guide. I retained his papers with the view of investigating the matter, and perfecting a chain of testimony that would establish his claim. Congress was then in session, my correspondence was very large, and it was his misfortune that I lost the papers he confided to me. I, however, remembered, when casually meeting General Abner Doubleday, that he had been referred to by Walker, and inquired of him whether he remembered him, and was informed by him that he did remember him as one who had performed much and valuable service. I then brought the subject to the attention of the War Department, and learned that the Department could not adjust his claim for the want of vouchers from particular officers, under whose certificate the claim should have been brought to their notice. Finding it impossible to procure a settlement of what I had become satisfied was a just claim through the Department, I recommended him to appeal to Congress. But in order to assure myself of the correctness of his statement, I brought Walker to the presence of General Grant, at the headquarters of the Army. The General listened to his statement, and at its close said that he had a very remarkable memory, and must have been present at the several movements of troops of which he spoke, as he named them in their order, and gave the details as accurately as if he had kept a daily journal. He also remarked that the statement showed that he had been in confidential relations with the officers taking the several movements. I have had much intercourse with Walker, and am satisfied of his veracity, both from the consistency of his statements, the facts just referred to, and the remarks of General Doubleday, as to his fidelity and the ingenuity of the contrivance by which his wife and he had communicated intended movements of the confederate forces to the officers of the forces with which Dabney was connected.

I beg leave further to suggest that I have examined the memorial of said Dabney Walker, and find the statements therein contained to be entirely consistent with those made to me by said Walker in his early interviews with me and at the War Department, and especially in his interview with the General of the Army. I am satisfied that Walker's claim is a just one, and that if I could have learned the post-office address of Colonel Sharpe, who is referred to in Walker's memorial, I could have obtained such evidence as would have justified the War Department in settling the claim, which was, as I was informed, regarded as meritorious.

Yours, very truly,

WM. D. KELLEY.

To the COMMITTEE ON CLAIMS,
House of Representatives.

Capt. George F. Noyes, the author of a book entitled the *Bivouac and the Battle-Field*, refers to Dabney Walker as follows:

Quite a large body of troops were now assembled, and occasional expeditions of cavalry were sent out to disturb the quiet of the enemy, burn the railroad-bridges, and thus interrupt his communications, sometimes having a brush with the enemy's cavalry and bringing in some prisoners. Their usual guide was a native-born Virginian, in whom we all became much interested. He seemed to me a sort of Daniel Webster in ebony—a strong, clear-headed man, who had reached a true conception of the real issue in this war, and devoted himself, body and soul, on the right side. Knowing all the roads and by-ways in this section, and brave as a lion, he led our boys with all the cool courage needed in a scout, established a comprehensive system of espionage among the people of his own color, and thus brought in much valuable information. The rebels did him the honor to offer fifteen hundred dollars reward for his head, and well they might, for he was worth to the Union cause any two of the best of us.

Your committee, after a careful examination of the case, are satisfied that it is one of much more than ordinary merit.

Dabney Walker, after rendering services to the Government, of a nature extremely valuable, and at a time when there was a pressing necessity for services of that kind, and, by so doing, rendered himself peculiarly obnoxious to the rebel authorities as to cause them to offer a reward for his capture, dead or alive, and services which resulted in the

capture of property worth in the aggregate many times the amount claimed as pay by him, for his services seems to have been prevented from receiving pay therefor by a series of misfortunes, for none of which was he responsible. Your committee are, therefore, of the opinion that the prayer of the petitioner should be granted, and report the accompanying bill with the recommendation that it do pass.



A. G. COLLINS.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HOWE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1272.]

The Committee on Claims, to whom was referred the bill (H. R. 1272) for the relief of A. G. Collins, have examined the same, and beg leave to make the following report:

In the year 1862, A. G. Collins, an acting deputy United States marshal for the southern district of Ohio, acting under orders from the War Department, arrested a man by the name of Tarbell, who was charged on an affidavit with discouraging enlistments in the Army, in violation of an act of Congress. For so doing Tarbell brought suit against him laying the damages at \$10,000. The suit in various courts ran along over a space of seven years, and was finally decided in Mr. Collins's favor by the United States court of Cincinnati.

Mr. Collins, in the pending bill, now asks relief for expenses incurred in defending the suit. His account for these expenses was audited and paid with the exception of the amount named in the bill, viz, \$285, the items aggregating to the amount of which were struck out by the Department on the ground of want of authority to pay, as will be shown by the following letter from the then Inspector-General:

WAR DEPARTMENT,
Washington City, July 15, 1869.

SIR: Your letter of June 23, appealing from the adverse decision upon your claim for re-imbursement of personal expenses growing out of a suit brought against you for acts done in performance of your duty as an officer of the United States, has been duly considered.

Without further discussion of the merits of the rejected claim, it will be sufficient to inform you that this Department, which can expend no public moneys except by authority of law, is not legally empowered to re-imburse you for the expenditures charged, its authority being restricted to the reasonable accounts of the counsel employed in the case, and does not extend to the personal accounts of individuals.

Congress alone can afford you any relief in the premises.

It is found that the two items for transcripts of records, amounting to \$16.30, can be properly paid by the Department, and it has been accordingly so ordered.

Very respectfully, your obedient servant,

ED. SCHRIVER,
Inspector-General.

A. G. COLLINS, Esq., Ripley, Ohio.

Your committee upon examination find that Mr. Collins was subjected to expense to the amount named in the bill, over and above what has been allowed him, on account of having obeyed the orders of the Department whose subordinate he was. That he was obeying such orders,

that he had reasons for believing that in so doing he would be reimbursed by Government for all outlays of money, and that he faithfully performed his duty are clearly shown by the following letters written to him by L. C. Turner, then judge-advocate.

WAR DEPARTMENT,

Washington City, D. C., September 22, 1862.

A. G. COLLINS, Esq., *United States Deputy Marshal, Ripley, Brown County, Ohio :*

In answer to yours of the 17th instant, I say that the affidavit of Mr. Rankin, if a reliable man, is sufficient to warrant the arrest of David Tarbell, if he be a man of sufficient account and influence to make the same worth the candle.

You have the means of knowing as to this, and if you regard the character of the man as worthy of consideration, then you will arrest Tarbell and convey him to the nearest military "camp" or post for safe keeping, till further order, and report further proofs if any, &c.

Your account for transportation and expenses certified to War Department, will be audited and paid promptly by chief clerk.

By order of the Secretary of War :

L. C. TURNER,
Judge-Advocate.

WAR DEPARTMENT,

Washington, D. C., December 20, 1862.

A. G. COLLINS, Esq., *United States Deputy Marshal, Ripley, Ohio :*

In answer to your letter of the 16th instant, addressed to the chief clerk of the War Department, I say, that you will be protected by the Government from harm, for the faithful execution of its orders. I inclose the orders of the War Department issued by "direction of the President," in virtue whereof you acted as I suppose. You have, of course, the instructions sent to you. From these papers your counsel can answer.

Your obedient servant,

L. C. TURNER,
Judge-Advocate.

D. Tarbell sued the deputy marshal for \$10,000, &c.

WAR DEPARTMENT,

Washington City, D. C., October 24, 1862.

To A. G. COLLINS,

United States Deputy Marshal, Ripley, Brown County, Ohio :

In answer to yours of the 14th I reply that your energy and perseverance in arresting David Tarbell are approved and commended. Let him remain at Camp Union till further order.

Your account is reasonable and verified, (\$20.25,) but it should be made on a separate piece of paper from your report, so it can be filed separately ; you will therefore thus make it out, and it will be allowed and paid.

Your obedient servant,

L. C. TURNER,
Judge-Advocate.

WAR DEPARTMENT,

Washington, D. C., November 26, 1862.

A. G. COLLINS, Esq.,

Deputy Marshal, Ripley, Ohio :

In answer to yours of the 17th instant I am directed to say that the War Department will employ counsel and provide the necessary funds for your defense—at least that is the general rule in such cases. You will please inform me how much money you need and what you propose to do.

Your obedient servant,

L. C. TURNER,
Judge-Advocate.

In view of the foregoing, being satisfied that the expense was incurred, the charges reasonable, and the claim a just and equitable one, the committee report the bill back, and recommend that it do pass.

MRS. LOUISA ELDIS.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2891.]

The Committee on War-Claims, to whom was referred the petition of Mrs. Louisa Eldis, of Sandusky, Ohio, asking compensation for rent of and damage to her property occupied by United States troops in the winter of 1863-'64, having had the same under consideration, ask leave to report:

That the petitioner is the widow of Martin Eldis, deceased; that the said Martin Eldis owned certain property in the city of Sandusky, Ohio, known as the Saint Lawrence Hotel, or Saint Lawrence block; that said property was taken possession of by the authority of Captains Brooks and Ford, officers and quartermasters of the United States Army, as barracks for the use of troops stationed at and doing duty in said city of Sandusky; that said property was used as barracks from November, 1863, to the latter part of May, 1864; that, when so taken, the property named was in good condition, and commanded a fair rent, but owing to the damages done thereto by said United States troops the building could not be rented, thus necessitating extensive repairs to place it in good order. It appears that the property was damaged by the soldiers, who knocked off the plastering, injured the doors, windows, stairs, &c., and in various other ways injuring and defacing the building, requiring a considerable expenditure to place it in tenantable condition, besides losing the rent of the same for several months. It further appears that when the barracks were vacated, Col. Charles W. Hill, then commanding United States forces at Sandusky, convened a board of officers for the purpose of ascertaining what rent should be allowed for all buildings and property used by United States troops in Sandusky, and also assessing just damages for any injuries to such property by the troops using the same. It also appears that the board recommended the payment of \$350 to the petitioner for rent of, and the sum of \$691.83 as damages to said property; that the Third Auditor of the Treasury, in September, 1865, paid the \$350 recommended to be paid for rent, but declined to pay the \$691.83 recommended as damages, on the ground that he had no jurisdiction in the matter of damages, which your committee understand is the rule with that office in all cases.

It appears from the statements made and testimony adduced in support of the claim of the petitioner, that the amount recommended by the board of officers convened by order of Colonel Hill, to be no more than a fair compensation under the circumstances, and the committee therefore report the accompanying bill and recommend its passage.

THOMAS SIMMS.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. COBURN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2892.]

The Committee on Military Affairs, to whom was referred the petition of Thomas Simms, late second lieutenant of New York volunteers, have had the same under consideration, and submit the following report :

The testimony shows that Thomas Simms enlisted as a private soldier on the 13th day of September, 1861, in the Seventy-sixth Regiment of New York Volunteers, and was immediately promoted to the place of first sergeant. That he was commissioned on the 13th of May, 1862, by the governor of New York, as second lieutenant, to take rank from the 22d of February, 1862. Then the company was above the minimum number. That from June until in August, 1862, he did the duties of captain in the absence of the captain and first lieutenant of his company. On the 11th day of August, 1862, he took sick and was sent to hospital on the 20th day of August, 1862, and on the 14th day of January, 1863, he received a furlough for fifty days. He went home, returned at the end of the specified time, being still unfit for duty, and was put in hospital, where he remained till the 4th day of May, 1863, when he was notified that the Secretary of War had discharged him on the 26th of December, 1862. He now wants pay as second lieutenant from the 22d of February, 1862, to May 1, 1862, and from December 25, 1862, to May 4, 1863. His claim for pay for the first period is not sustained by the evidence. It does not appear that he did duty as an officer between the 22d of February and the 1st of May, 1862. He could not, and did not, so far as the proof shows, do the duties of second lieutenant regularly till after his commission was issued, May 13, 1862. As a matter of favor he was mustered thirteen days back of that date. It thus appears to be clear that he had no claim for the first-named period.

He was in hospital and kept at the expense of the Government, or on furlough, from December 26, 1862, to May 4, 1863, the date when he received notice of his discharge. His furlough, which was dated January 14, 1863, from hospital, for fifty days, shows that he was recognized and held as an officer in the service. At the end of his time he returned to the hospital in Washington City. From thence he was peremptorily discharged on the 4th of May, 1863; and he was notified that he had been out of service since December 25, 1862, very greatly to his surprise. Being held by the Government until this time, he was justly entitled to pay to the 4th of May, 1863.

He was as much in the military service as if he had been in the field. He was in hospital from the effects of hard and faithful performance of duty, and was, when turned out of hospital, greatly broken in health. He is, as the evidence shows, at this time still in feeble health from the effects of his service.

The committee therefore, in view of all the facts, have come to the conclusion that he should be paid from the 25th day of December, in the year 1862, until the 5th day of May, in the year 1863, and report a bill to that effect.

○

WILLIAM CARL.

APRIL 11, 1874.—Laid on the table and ordered to be printed.

Mr. P. M. B. YOUNG, from the Committee on Military Affairs, submitted the following

REPORT:

The Committee on Military Affairs, having under consideration the petition of William Carl, report as follows:

The evidence on file in the War Department goes to prove that William Carl, during his sickness, and for the purpose of procuring a discharge, did inform the surgeon that his disease was one of long standing and not contracted in the service; and in consideration of this fact the committee ask to be relieved from the further consideration of the petition of William Carl.

○

SHERIDAN O. BREMMER.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. DONNAN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2412.]

The Committee on Military Affairs, to whom was referred bill H. R. 2412 having had the same under consideration, submit the following report :

This soldier enlisted on the 30th day of November, 1861, and was mustered in as a private in Company E, Eighteenth Regiment Wisconsin Volunteers, on the 21st day of January, 1862. He was subsequently taken very ill of pneumonia; and there being no prospect of his recovery when the regiment was about to leave Milwaukee for the field, the surgeon of the regiment gave him a discharge, countersigned by the colonel commanding, and both officers informed him that he was discharged, and to go to his home. His name was dropped from the company-rolls with the statement, "Discharged March 29, 1862, at Milwaukee, Wis." Although sick for a long time he finally recovered, and proposed to re-enlist in the same company, when the recruiting officer saw that he had not a legal discharge. He was thereupon ordered to report to his company, which he promptly did, and his case was reported to division headquarters, when Bvt. Maj. Gen. J. C. Smith issued an order that he be "restored to duty from desertion without trial, with forfeiture of pay and allowances," &c. His company-officers swear that he was never entered on the company-rolls as a deserter, and ought not to have been so considered. Evidently the soldier was not in fault, and should receive full pay, allowances, and bounty, less the time he was actually absent from the regiment.

The committee, therefore, submit an amendment for such limitation proviso, and, as so amended, recommend that the bill do pass.

F. O. WYSE.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. DONNAN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2893.]

The Committee on Military Affairs, to whom was referred the petition of F. O. Wyse, late lieutenant-colonel of the Fourth Regiment United States Artillery, having had the same under consideration, respectfully submit the following report :

This officer entered the Army, as a second lieutenant, in the year 1837; became a captain in 1847; was brevetted a major for gallant services before the enemy in the Mexican war; was made a major, by promotion, in 1861, and a lieutenant-colonel in the same year. In 1862 he resigned under the following circumstances:

In 1859, then serving with his command on the Pacific coast, while returning on horseback from duty as a member of a general court-martial, convened at Fort Steilacoom, Wash. Ter., by the fall of his horse he received an injury in his left ankle-joint, which totally disabled him for several months, and from the effects of which he has never recovered. In 1861 and 1862 he performed duty as a mustering officer; but believing himself unable to endure active service, he appeared before a board assembled by direction of the President to retire disabled officers, convened at Washington in July, 1862. The testimony submitted to this retiring board shows that the lameness caused as above stated still existed at that time; that the injury was of such a permanent nature as would prevent marching on foot or riding a long distance; but that a cure had been so far effected as would enable him to do duty as a mounted officer. The board thereupon decided that he was *not incapacitated for active service*.

Being thus denied the privilege of being put on the retired list, and feeling fully assured that he could not perform more active duty than the light service upon which he was then employed, he felt compelled, although with evident reluctance, to tender his resignation, which was soon afterward accepted. Instead of being cured, his injury has grown continuously worse and has disabled him from work.

Surgeon-General Barnes, who was one of the witnesses before the retiring board, in a letter of October 18, 1869, states, "I have no hesitation in saying that it [the injury] should have entitled you to the benefits of the retired list whenever the results became as grave as they now are."

His disability is, therefore, evidently permanent, and was received by him while acting in obedience to orders. In the opinion of the committee, the retired list was intended to relieve just such necessities as are presented by this case.

This officer has rendered good services to the Government for the best thirty years of his life. His health is now broken, so that he is unable to provide for his family.

His military record is fine and his fealty to the Government is beyond question. He asks to be placed on the list of retired officers of the Army with the rank of lieutenant-colonel, and that he be entitled to pay as such from the date of the acceptance of his resignation.

The committee present a bill authorizing the Secretary of War to place this officer on the retired list, with pay only from the date of the approval of the bill, and recommend its passage.

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AMANDA M. SMYTH.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MACDOUGALL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2894.]

The Committee on Military Affairs, to whom was referred House bill 2321, report as follows :

Brevet Major-General Thomas A. Smyth entered the service at the commencement of the war as major, and served with great gallantry until fatally wounded, two days before the final surrender of the enemy, leaving a wife and daughter in want. He had commanded brigades and divisions while only a lieutenant-colonel and colonel; and had he held the rank of the command exercised by him he would have received more than the amount asked for by this bill. The committee ask to make the Adjutant-General's report of service, dated February 22, 1873, a part of this report, and respectfully ask the passage of the accompanying bill.

ADJUTANT-GENERAL'S OFFICE,
Washington, February 22, 1873.

Military history of Thomas A. Smyth, of the United States Army, as shown by the files of this office:

Mustered into service as major First Delaware Volunteers October 17, 1861, and was promoted lieutenant-colonel 20th December, 1862; colonel, 19th March, 1863; appointed brigadier-general of volunteers October 1, 1864; brevetted major-general of volunteers April 7, 1865, for gallant and meritorious services at Farmville, Va., where he was mortally wounded.

Service: Commanding regiment in the Department of Virginia and Army of the Potomac to September, 1862; absent, sick, to October 18, 1862; commanding regiment to May 16, 1863; commanding Second Brigade, Third Division, Second Army Corps, to August 14, 1863; absent, sick, to September 4, 1863; commanding Second Brigade, Third Division, Second Army Corps, to December 28, 1863; commanding regiment to February 13, 1864; commanding Second Brigade, Third Division, Second Army Corps, to March 26, 1864; and Second Brigade, First Division, Second Corps, to May 17, 1864; Third Brigade, Second Division, Second Army Corps, to July 31, 1864; Second Division, Second Army Corps, to August 20, 1864; Third Brigade, Second Division, Second Army Corps, to December 23, 1864; Second Division, Second Army Corps, to February 25, 1865; and Third Brigade, Second Division, Second Army Corps, to April 7, 1865, when wounded in action at Farmville, Va., from the effects of which he died April 9, 1865.

THOS. M. VINCENT,
Assistant Adjutant-General.

Official copy :

THOMAS M. VINCENT,
Assistant Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *March 21, 1874.*

PRIVATE LAND-CLAIMS IN MISSOURI.

APRIL 11, 1874.—Ordered to be printed and recommitted to the Committee on Private Land-Claims.

Mr. BUCKNER, from the Committee on Private Land-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2895.]

The Committee on Private Land-Claims, to whom was referred the bill (H. R. 2895) obviating the necessity of issuing patents for certain private land-claims in the State of Missouri, and for other purposes, have had the same under consideration, and beg leave to report :

That by the treaty between France and the United States, by which the then Territory of Louisiana, including the present State of Missouri, was acquired, it was provided and stipulated that the rights acquired by the settlers and occupants of lands under the prior governments of France and Spain should be respected and maintained by the Government of the United States. Prior to the transfer there were but few perfect and complete grants of the public domain within the present limits of the State of Missouri, much the larger portion of the land claimed by individuals being then held and occupied under inchoate and imperfect claims or titles from the Spanish government, whose headquarters were then and had been for many years at New Orleans. In execution of the stipulations contained in the treaty of acquisition, Congress enacted numerous laws, establishing boards of commissions and other tribunals, to adjudicate and pass upon the claims and titles to lands within the present State of Missouri. (See *Bissell vs. Penrose*, 8 How., U. S. Reports, 317, for an abstract of this legislation.) All of these acts, with the exception of the acts of June 13, 1812, and July 4, 1836, required patents to be issued to the parties to whom lands were confirmed by the judgment of these tribunals, in order that the legal title might be united with the equitable title in the respective confirmees. The acts of June 13, 1812, and of July 4, 1836, were in effect legislative grants and patents by the United States to the several parties entitled under those acts, and if all the other acts of Congress confirming private land-claims in Missouri had been given like force and effect with these acts, there would be no necessity for this legislation asked by the bill referred to your committee. But through inadvertence or from some other cause, the confirmations failed to carry the legal title to the lands confirmed, and that title was not in any way divested from the United States by these acts of confirmation until the patents were issued as in ordinary cases of private entry of the public lands. Not more than one-third of the patents have been issued to the confirmees of lands in the State of Missouri, a result which may be attributable in part to the fact that the confirmees and those claiming under them have been

and are now lulled into indifference and inactivity as to their rights because of the legislation of the State, and the adjudications of the supreme court of the State. By an act passed many years since these confirmations were held to be sufficient to sustain an action of ejectment against any person not having a better title, and a defendant claiming to hold under a confirmation had sufficient color of title to protect his possession, and to defeat an action of ejectment, even against a plaintiff deriving title by patent from the Government. The policy of the legislation of the State has been to make the *bona-fide* possessor of land, claiming to own it adversely by color of title, the owner of the land, and to discourage litigation by reducing the period of limitation of actions for the possession of lands to ten years. In fact, for the purposes of trying the titles to real estate, the equitable titles of the confirmees have been treated as legal titles by the legislation as well as by the judicial determinations of the courts. The people have acted upon this idea, and hence they have been careless and indifferent in their efforts to obtain the patents of the Government for lands held under these confirmations. But the recent adjudication of the Supreme Court of the United States, in *Gibson vs. Choteau*, (13 Wallace, 92,) by which this court has decided that the statute of limitations of the State does not begin to run in favor of the defendant in ejectment until the issuance of the patent to the confirnee, has overruled the decisions of the State courts on this subject, and opened the door to a wide field of harassing and vexatious litigation, as well as of wrong and injustice to the owners of land holding under these confirmations. Many of these owners have been, either by themselves or those under whom they claim title, for a half century or more in the peaceable, uninterrupted, and adverse enjoyment of their possessions, and if he should be unable to show a clear and unbroken chain of title to his land, he is liable to be ejected by some unscrupulous land-shark, who has detected an imperfect link in his chain of conveyance. And when it is considered that the patents to these confirmations are not issued as in ordinary cases of private entry of lands, but that the Commissioner of the General Land-Office must, under the law and practice, make his action depend upon that of the recorder of land-titles at Saint Louis, who grants his patent-certificate to any party interested applying therefor, and which must be the basis for the issuance of the patent, it must be obvious that generations may pass away before the occupants under many of these confirmations can feel that security in their titles and possessions which it is the duty of all governments to give to their citizens.

The bill now under consideration proposes in the first section simply to place all the confirmees of private land-claims on the same footing with the confirmees under the acts of Congress of June 13, 1812, and July 4, 1836. It seeks, by act of Congress, to provide all these confirmees, who have not had patents issued to them, with a legislative grant or patent, and which to all intents and purposes will be as effectual to convey to them the legal title now in the United States as if a patent were severally issued to them. The third section of the bill is designed to save all valid adverse rights to any of the lands embraced by the provisions of the bill, and the fourth section gives the Secretary of the Interior power and authority to close and discontinue the office of recorder of land-titles at Saint Louis when in his opinion the public interest no longer requires its continuance, and to turn the books, papers, plats, &c., over to the State of Missouri, when the State shall make provision for the safe-keeping and reception of the same. It also provides that after the discontinuance of the office of recorder of land-

titles aforesaid, the Commissioner of the General Land-Office shall possess and exercise the power and authority and perform the duties of said recorder.

The second section of the bill is designed to make the same provision as to the conveyance and transfer of the legal title of all lands in the State of Missouri, located by virtue of certificates issued under the act of February, 1815, "for the relief of the inhabitants of New Madrid, who suffered by earthquakes," as the first section of the bill proposes to make as to the confirmations for which patents have not been issued. The Commissioner of the General Land-Office, for reasons satisfactory to that officer, objects to the second section, and in deference to his views and opinion your committee have reported an amendment of the bill referred, which in every respect conforms to his views. And in order, so far as the legislation of Congress, in the opinion of your committee, can accomplish that end, your committee have inserted an addition to the third section of the bill, (second of the amended bill,) to enable defendants in ejectment to avail themselves of the benefit of the State statutes of limitations, and thus give security to the titles and possessions of persons holding lands under these confirmations, still unpatented. Whether this amendment will avail for the purpose intended may admit of doubt, but they have felt it to be the duty of Congress to afford all legal protection within its power to those whose rights it should have guarded by proper legislation years ago; and to leave to the courts of the country the decision of the question whether this provision is within the legislative power of Congress.

Your committee herewith report an amendment to the original bill, which they recommend to the favorable consideration of the House.

○

WILLIAM B. WEST.

APRIL 11, 1874.—Ordered to be printed.

Mr. M. L. WARD, from the Committee on Foreign Affairs, submitted the following

REPORT:

[To accompany bill H. R. 401.]

The Committee on Foreign Affairs, to whom was referred the bill (H. R. 401) for the relief of William B. West, late United States consul at Dublin, report :

That they have carefully examined the memorial of the said West and the papers accompanying it, together with the items charged in the account against the United States, and they are of opinion that the said bill should not become a law. The duties and privileges of a consul are clearly defined by the rules of international law, and his compensation and expenses are expressly provided for under our statute-law. The consul, when he accepts the position, undertakes to discharge faithfully and to the best of his ability the duties incumbent on him. For this his fees or salary is regarded by the Government as a full equivalent. Expenses for postage, stationery, &c., and his disbursements for relief of American seamen are paid on proper vouchers sent in his quarterly reports. Under peculiar circumstances, the Secretary of State may authorize special expenditures, but in no case can the consul or commercial representative of the Government incur such expense without such authorization. For Congress to sanction such acts of a consular officer would be to remove the guards which have been thrown around him, and involve the Government in a net-work of embarrassing claims.

The charges made in the account, as rendered by the said West, are all of an exceptional character, and are mainly of a personal nature, unaccompanied even by vouchers. They could not be allowed by the State Department, and the committee can see no reason for sanctioning them. If any proper expenditure for stationery, postage, or relief of American seamen was made, the State Department will adjust the account on presentation of the proper vouchers. The Government claims the entire time and services of the consul, and takes no account of his charities, hotel-bills, railway-fares, or physicians' bills. Experience in the consular service made the said West acquainted with the laws governing this subject, and with the rules of the State Department, in settling his accounts, and therefore no injustice is done him by the action of the committee.

J. & W. R. WING.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARCUS L. WARD, from the Committee on Foreign Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2898.]

The Committee on Foreign Affairs, to whom was referred the memorial of Messrs. J. & W. R. Wing, of New Bedford, Mass., for re-imbursement of expenses incurred for support and transportation of the master and crew of the American whaling-bark Xantho, after the wreck of that vessel in the Indian Ocean June 18, 1871, would report :

That the claim, so far as it relates to the expenses of support and transportation of the crew, would seem to be in accordance with existing laws for the relief of seamen. Had there been a United States consul at Macassar, these expenses would have been incurred and paid by him, and would have been approved and audited upon vouchers by proper officers of the Treasury. The claim of the master for his expenses in reaching his home in the United States, to wit, New Bedford, from Soerabaya, would not come within the rule. The laws of the United States for the relief of shipwrecked seamen make no distinction between officers and seamen, and it would be unwise to do so. A consul at Macassar would have treated the master on the same principles as the crew, and if he had done otherwise his claim for re-imbursement would not have been allowed. The same rule of action applies to this committee when dealing with similar questions. The committee would submit the accompanying bill.

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HARRIETTE A. WOODRUFF.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2899.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2623) granting a pension to Harriette A. Woodruff, mother of Eugene A. Woodruff, late first lieutenant in the Corps of Engineers, having considered the same, make the following report:

It appears from the papers in this case, that Eugene A. Woodruff entered the service in 1861, as a member of Company E, Fifth Regiment Iowa Infantry, and after serving a few months was appointed a cadet at West Point. He graduated in 1866, with marked distinction, standing No. 5 in a large class, and at once entered the regular service. In 1873, while superintending the work assigned him on the Red River raft, it became necessary for him to visit Shreveport to procure needed supplies for his working-parties. On his arrival at Shreveport he found the city stricken by a sudden and terrible epidemic, before which all but the bravest fled, leaving the sick suffering and to be cared for by the few gallant souls who dared to face the plague. It was a position to call forth all the generous, self-sacrificing impulses of a Christian gentleman and a soldier, and nobly did Woodruff answer to the call. Joining the Howard Association, he took his part in bringing order out of chaos; in inspiring others with his own fearless spirit; working good both at the bedside of the sick and among those who could only be held in the path of duty and charity by a present bright example. After one week of devotion to the care of the plague-stricken, Woodruff was himself seized with the disease, and died from its effects September 30, 1873.

The petitioner claims pension on the ground of dependence, which is abundantly proven by properly-attested papers. The claim was rejected by the Commissioner of Pensions "because it was not shown that Lieutenant Woodruff was ordered to Shreveport to perform any duty, consequently the disease which caused his death was not considered to have been contracted in the line of duty." Additional evidence on this point proves the contrary to be true. Charles W. Howell, captain in the Corps of Engineers, states under oath that he was well acquainted with Lieutenant Woodruff, and that it was by his order that said Woodruff was stationed at Shreveport, and that while at his post

of duty, and in the discharge of duties devolving upon him by competent authority, was attacked by yellow fever, from the effects of which he died.

The committee believe the claim to be a just and proper one, and the mother entitled to pension, and therefore report favorably, and recommend the passage of the accompanying substitute for H. R. 2623.

○

JOSEPHINE D. THOMAS.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. RUSK, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2072.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2072) granting a pension to Josephine D. Thomas, widow of Capt. Evan Thomas, Fourth United States Artillery, killed in the late Modoc war, having considered the same, report the bill back with the following amendment:

In line eight, strike out the word "fifty" and insert "thirty," so that it will read "thirty dollars per month;" and as thus amended recommend its passage.

○

MARY E. NAYLOR.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MARTIN, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 567.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 567) granting a pension to Mary E. Naylor, widow of Osborn Naylor, having had the same under consideration, respectfully report:

That we concur in the report of the Senate committee, report back the bill, and recommend its passage.

○

EUGENE SMITH.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. SMART, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 539.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 539) granting a pension to Eugene Smith, late of Company F, First Nebraska Volunteers, would respectfully report:

That we concur in report of Senate committee, and report back the bill, recommending its passage.

○

JOHN HENDRIE.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

MR. CHRISTOPHER Y. THOMAS, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 2901.]

The Committee on Invalid Pensions, to whom was referred the petition of John Hendrie, asking a pension, submit the following report :

A careful examination of the case discloses the following facts : That in April, 1862, the petitioner, who was then a citizen of Detroit, in the State of Michigan, enlisted as a private in Company B, Seventeenth Regiment United States Infantry. A few days thereafter he was transferred to Portland, Me., where, after full examination as to his physical condition, he was pronounced by the surgeon to be sound and healthy, and was mustered into the service. That his health continued good till the spring of 1863, when, from severe exposure to rain and snow, and from being compelled to sleep upon the wet ground, whilst on duty with his company, during the campaign in Virginia, he was attacked with inflammatory rheumatism, from which he suffered greatly. That his disease grew in violence till he was unable to render service, and was transferred to a hospital, from which he was discharged from the Army in July, 1863, in consequence of his diseased condition, the certificate of the surgeon, made upon examination, nearly eighteen months after he enlisted, stating that he was disabled from disease existing at the time of enlistment. His captain under whom he served bears testimony to his fidelity and courage while in the Army. Numerous witnesses depose that they were well acquainted with him at the time of, and for years before, his enlistment, and knew him to be a sound and vigorous man when he entered the service; that his disease was contracted as before stated, and that it has permanently disabled him, so as to render him unfit for any pursuit requiring bodily exercise. The positive proof of the witnesses is, in the opinion of the committee, sufficient to reverse the record-evidence and to show that it is a meritorious case, and they recommend the passage of the bill.

JAMES R. YOUNG.

APRIL 11, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT :

[To accompany S. 470.]

The Committee on Claims, to whom was referred the bill (S. 470) for the relief of James R. Young, late postmaster at Lisbon, N. H., submit the following report :

This case has been twice reported on favorably by the Senate Committee on Post-Offices and Post-Roads, and, as their report is fully sustained by the evidence on file, the same is submitted herewith and adopted as the report of this committee.

The committee recommend the passage of the bill.

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4

TIDE-FLATS IN DUWAMISH BAY, WASHINGTON TERRITORY.

APRIL 15, 1874.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ORR, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany bill H. R. 2984.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 1160) relative to certain mud-flats, or submerged lands, lying adjacent to the city of Seattle, upon Puget Sound, in the Territory of Washington, report:

The town or city of Seattle is situated upon a narrow peninsula, projecting into the bay or harbor. It is a flourishing place of some 3,500 inhabitants, commanding the trade of a large portion of Puget Sound, with a good back country. Upon the southerly end of this bay is a delta, made by the silt and sediment brought to the salt water by the Duwamish River, which disembogues into the bay by several channels, none of which are straight or convenient for navigation.

The entrance to the river would be greatly improved were the waters of that stream concentrated into one direct channel, thereby affording safe and convenient access to the fertile valleys of the main river and its branches.

The peninsula upon which the town of Seattle was originally built contains about sixty acres, and the hills bordering it are about three hundred feet high, upon the steep slopes of which the town is being extended for want of room to expand upon more level ground.

By granting the now useless mud-flats, it will allow the town to expand upon a level, greatly to the benefit of commerce, by allowing more wharf-front, will give the city the only suitable place for the deposit of waste material of earth obtained by grading the hills adjacent, will greatly facilitate commerce upon Puget Sound and upon the Duwamish River, and convert that which is now an unsightly nuisance, and outside the public-land surveys, to a valuable addition to the harbor and town facilities of an important center of population upon Puget Sound.

The tide at this place rises about twenty feet at highest spring-tides, and fourteen feet at lowest tides. The flats in question are a serious obstruction to navigation, and at low tide are for the most part bare.

This grant or relinquishment was asked for of Congress by the legislative assembly of the Territory of Washington, and the city council of Seattle. All adverse rights, if any, are protected by the provisions of this bill.

For want of authority the mud-flats cannot be improved or reclaimed. There is no opposition to the proposed grant from any quarter.

The area of mud-flats proposed to be relinquished to the town of Seattle is about fifteen hundred acres.

We recommend that the bill do pass.

DWIGHT J. McCANN.

APRIL 15, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. R. R. BUTLER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2039.]

The Committee on Indian Affairs, to whom was referred bill H. R. 2039, and the petition of Dwight J. McCann, submit, through Mr. R. R. Butler, the following report:

The petitioner seeks to recover the damages resulting from the detention of his trains at Cheyenne, Wyo., after their arrival at said place, for the purpose of transporting Indian goods for the United States, and your committee, from the evidence submitted, find the following facts:

1st. That, in June, 1871, the Commissioner of Indian Affairs entered into a contract with petitioner to receive at Cheyenne, Wyo., the goods for the Indians of the Whetstone agency, and to transport them in good and well-covered wagons to the Whetstone agency without unnecessary delay. (See articles of agreement, marked Exhibit A.)

2d. That, for such transportation, the United States agreed to pay \$1.75 per hundred pounds for each hundred miles traveled, and required petitioner to execute a bond to the United States in the sum of \$100,000, conditioned for the faithful performance of the said contract by petitioner, which bond was duly executed by petitioner, and accepted by the Government.

3d. Petitioner, by virtue of said contract, put himself in condition to comply with the same, and was notified by a telegram to be ready by the 1st of July to transport to the Whetstone agency one million pounds; also was notified by a telegram to be ready by 1st of July to transport five hundred thousand pounds to the Red Cloud agency, (see dispatches marked B and C;) which transportation was furnished as required. Although the goods were at that time at Cheyenne, ready to be transported, and were loaded in petitioner's wagons, the Indian Department, on account of threatened hostilities of Spotted Tail's bands, directed the forwarding of the goods be delayed at Fort Laramie. This delay was continued until the 18th of August, 1871, when the Indian goods intended for the Whetstone agency were, by the Indian Department, directed to be forwarded to the Red Cloud agency, which was done by petitioner.

4th. The receiving and shipping agent of the United States at Cheyenne states the account, and fixes the time that petitioner's trains were detained, and assesses the damages that petitioner was entitled to for such detention, and said agent issued regular vouchers for the same, duly certified, which amounted to \$19,000, which vouchers are marked No. 1 and No. 2.

5th. Petitioner also claims to be the owner of, by purchase for a valuable consideration, a similar voucher issued by the said agent to one John Coad who was also a contractor at the same time to transport Indian goods to the Red Cloud agency, the voucher thus issued and certified to by the said agent amounting to the sum of \$10,200, which voucher is marked No. 3.

6th. The Indian agent at Fort Laramie, J. W. Wham, certifies to the detention of petitioner's trains at that place, and issued a voucher showing the cause and stating the time the trains were detained, amounting to \$11,368, which voucher is marked No. 4. All of said vouchers amount in the aggregate to \$40,568, which amount your committee believes is justly due petitioner and should be paid. The Commissioner of Indian Affairs, in his response to a request from this committee, (see his letter marked Exhibit A,) states "as the detention was not caused by reason of any fault of McCann but by the direction of this Department and of the officers of the Government, I am of the opinion that he is equitably entitled to compensation for the damages sustained by such detention." Your committee concur in the conclusion so concisely stated by the Commissioner of Indian Affairs, and recommend the passage of the accompanying bill in lieu of the original for the relief of the petitioner. The only difficulty in coming to a conclusion was as to the compensation that petitioner was entitled to per day for each team detained. The committee called before them the Commissioner of Indian Affairs who testified that the amount charged and for which vouchers were issued was reasonable and not exorbitant; that the Department had subsequently contracted with the petitioner for the transportation of Indian goods and supplies, and had agreed to pay petitioner a like sum for like detention.

JNO. T. AVERILL.
R. E. BUTLER.
D. P. LOWE.
B. W. HARRIS.
JNO. D. LAWSON.
J. McNULTA.
JOHN P. C. SHANKS.
J. H. RAINEY.
H. L. RICHMOND.

EXHIBIT B.

CHEYENNE, June 20, 1871.

D. J. McCANN,
Contractor Transportation, Nebraska City :

You are required to furnish transportation for one million (1,000,000) pounds annuity goods and supplies for Whetstone Indian agency by July 1.

GEO. W. COREY,
United States Receiving and Shipping Agent.

EXHIBIT C.

CHEYENNE, June 20, 1871.

SIR : You are hereby notified that transportation for five hundred thousand (500,000) pounds of annuity goods and supplies for Red Cloud Indian agency will be required by July 1, 1871.

GEO. W. COREY,
United States Receiving and Shipping Agent.

JOHN F. COAD,
Contractor Transportation, Cheyenne, Wyo.

No. 1.

CHEYENNE, August 16, 1871.

UNITED STATES

To D. J. McCANN DR.

For delay of teams awaiting freight to be carried to the Whetstone Sioux agency.

August 15, 1871—30 teams delayed from August 1 to 15, inclusive, at \$10 per day..... \$4,500

I hereby certify that the above statement in regard to delay of teams for want of freight is correct.

GEO. W. COREY,
Receiving and Shipping Agent.

CHEYENNE, August 16, 1871.

[Indorsed.]

Pay to the order of the Nebraska City National Bank.

D. J. McCANN.

Pay to Hon. H. R. Clum, Acting Commissioner, or order, for collection, for account of the Nebraska City National Bank.

W. W. BELL, Vice-President.

No. 2.

CHEYENNE, July 31, 1871.

UNITED STATES

To D. J. McCANN, DR.

For delay of teams at Cheyenne awaiting freight to Whetstone Sioux agency.

July 26, 1871—50 teams, for 26 days, from July 1, 1871, at \$10 \$13,000
July 31, 1871—30 teams, for 5 days, from July 1, 1871, at \$10..... 1,500

Total 14,500

I hereby certify that the above statement in regard to delay of teams for want of freight is correct.

GEO. W. COREY,
Receiving and Shipping Agent.

CHEYENNE, August 5, 1871.

[Indorsed.]

Pay to the order of the Nebraska City National Bank.

D. J. McCANN.

Pay Hon. H. R. Clum, Commissioner of Indian Affairs, or order, for collection, for account of the Nebraska City National Bank.

W. W. BELL, Vice-President.

No. 3.

CHEYENNE July 31, 1871.

UNITED STATES

To JOHN F. COAD, DR.

For delay of teams at Cheyenne, awaiting freight to Red Cloud Sioux agency.

July 20, 1871—Forty teams from July 1, 20 days, at \$10 \$8,000
July 31, 1871—Twenty teams from July 20, 11 days, at \$10 2,200
10,200

I hereby certify that the above statement in regard to delay of teams for want of freight is correct.

GEO. W. COREY,
Receiving and Shipping Agent.

CHEYENNE, August 5, 1871.

[Indorsed.]

Pay to order of D. J. McCann.

CHEYENNE, August 21, 1871.

JOHN F. COAD.

Pay to the order of the Nebraska City National Bank.

D. J. McCANN.

Pay Hon. H. R. Clum, Acting Commissioner, or order, for collection, for account of the Nebraska City National Bank.

W. W. BELL, Vice-President.

No. 4.

THE UNITED STATES
 August 25, 1871.—For damages sustained by delays in the transportation of Indian supplies for Whetstone agency, twenty-three wagons, delayed twenty days, at the rate of \$14.50 each per day \$6, 670 00
 For damages sustained by delays in the transportation of Indian supplies for Whetstone agency, eighteen wagons, delayed eighteen days, at the rate of \$14.50 each per day 4, 698 00

I certify that the above account is correct and just, as shown by accompanying statement.

J. W. WHAM,
United States Special Indian Agent.

Received at ———, 187—, of ———, ——— dollars, in full of the above account.
 D. J. M'CANN.

[Duplicates.]

[Indorsed.]

Pay to the order of Nebraska City National Bank.

D. J. M'CANN.

Pay Commissioner of Indian Affairs, or order, for collection, for account of the Nebraska City National Bank.

W. W. BELL,
Vice-President.

The delays for which indemnity is claimed were caused by the refusal of Indians to escort the supplies for Whetstone agency across the Sioux reservation. The goods were ordered forward by the agent at Whetstone, and were loaded and shipped by D. J. M'Cann, under contract for transporting supplies for Whetstone agency, and owing to the strong opposition manifested by the leading Indians to having trains cross the Platte River and proceed to the interior of the Indian country, it was deemed very unsafe, for the contractor to proceed without a strong military escort. The military authorities were applied to for an escort, which was referred to the Interior Department, which directed that supplies for Whetstone agency should be held at Fort Laramie until further orders. There being no store-house at Laramie to be had for purpose of storing goods, they were necessarily left in wagons, which were held there for that purpose.

This delay was not the result of any fault of the contractor, and amounted to the number of days as set forth in the foregoing account.

J. W. WHAM,
United States Indian Agent.

A.

Personally appeared before me, a notary public in and for the District of Columbia, this 14th day of April, 1874, David McCrano, of Montana Territory, who, being duly sworn, deposes and says that he is acquainted with the business of freighting on the western frontier, and has been engaged in freighting for the United States for ——— years, and that he has been paid \$10 per day for the detention of his teams of five yoke of cattle each, and that \$14.50 per day for such teams when two extra hands are employed for the guarding of goods in the Indian country, is a fair and reasonable price, and no more than the services are worth.

DAVID MCCRANO.

Subscribed and sworn to before me this 14th day of April, 1874.
 [SEAL.]

T. S. HOPKINS,
Notary Public.

B.

Personally appeared before me, a notary public in and for the District of Columbia, this 14th day of April, 1874, Wm. M. Pleas, of Leavenworth, Kansas, who, being duly sworn, deposes and says that he is well acquainted with the business of freighting on the frontier and the prices paid by the United States for detention of wagon-trains in

the Indian country, and that \$10 per day for wagons with five yoke of cattle each, and \$14.50 for the same teams, when valuable goods have to be guarded night and day by the employment of additional hands, are fair and reasonable prices, and no more than the services are worth.

W. M. PLEAS.

Sworn and subscribed before me this 14th day of April, A. D. 1874.

[SEAL.]

SAM'L C. MILLS,
Notary Public.

C.

Personally appeared before me, a notary public in and for the District of Columbia, this 14th day of April, 1874, P. A. Largey, of Montana Territory, who, being duly sworn, deposes and says that he has been engaged in the business of freighting for the United States for ——— years last past, and is acquainted with the prices paid for detention of trains consisting of wagons with five yoke of cattle each, and that the same is \$10 per day for each wagon with five yoke of cattle; that the sum of \$14.50 per wagon for detention of like trains, when the goods have to be guarded night and day by extra hands, is not exorbitant, but is a fair compensation, and no more.

P. A. LARGEY.

Subscribed and sworn before me this 14th day of April, 1874.

[SEAL.]

T. S. HOPKINS,
Notary Public.

E.

To the Senate and House of Representatives of the United States of America :

The petition of D. J. McCann, of Nebraska, respectfully sheweth that during the year 1871 your petitioner was contractor with the United States Government for the transportation of annuity goods and supplies for the Indians from Cheyenne, Wyoming Territory, to the Whetstone Indian agency, a distance of two hundred and twenty miles. The Government failed to deliver goods at the time specified in the contract at the place of starting, and fifty of your petitioner's teams were detained at Cheyenne from the 1st to the 26th day of July waiting for the delivery of goods. Thirty of petitioner's teams were detained five days each, that is, from the 26th to the 31st day of July, at the same place for the same reason, before starting. It may be proper to state here that "a team" consists of one man, one wagon, and five yoke of cattle, but when the sandy plains are reached it is necessary to add a yoke of cattle to each team. As soon as the goods were delivered to the petitioner at Cheyenne his trains were loaded and proceeded on the route until they reached the Sioux reservation near Fort Laramie, a distance of one hundred and ten miles, and about half way to the Whetstone agency, when they were stopped by the agent of the Sioux, who refused to allow said trains to cross the reservation till he could communicate with the Department at Washington. Your petitioner was at that time a member of the constitutional convention of Nebraska, than in session at Lincoln, and wrote and telegraphed to the Department of the Interior at Washington, offering to go out in person and convey the trains across the reservation, but was not permitted to do so. Your petitioner applied to the officer in command at Fort Laramie to be relieved of the goods on the trains, which were in great danger of being stolen by Indians and half-breeds on one side, and by soldiers and loafers around the fort on the other. This was not permitted, by reason of there being no place where the goods could be stored in safety at that post.

Your petitioner had given bonds in the penalty of one hundred thousand dollars for the fulfillment of his contract, and being responsible for the goods, which were of great value—consisting of Indian blankets, cloth, clothing, coffee, sugar, tobacco, flour, and bacon—he was compelled to employ a double set of hands, and did employ them, and guarded the property twenty days at his own expense and in his own wagons.

The Department then directed that the goods be delivered at the Red Cloud agency, which was done—freight being paid for one hundred and thirty-two miles instead of two hundred and twenty. The loss on eighty-eight miles not carried was over \$12,000 on the amount which should have been carried according to the contract. The petitioner, however, makes no claim upon this item. He only claims for the actual losses sustained, and which were agreed upon by the officers of the Government, and for which they have issued vouchers.

The petitioner further sheweth that, in 1871, John F. Coad had a contract with the United States Government for the transportation of the same class of goods between Cheyenne and the Red Cloud agency; that said Coad had forty teams in waiting at Cheyenne from the 1st to the 20th day of July, and twenty teams from the 20th to the 31st day of July before goods were delivered to load them; that George W. Corey, the Government receiving and shipping agent at Cheyenne, on the 5th day of August, 1871, adjusted and certified the amount due for the expenses of such detention at \$10,200, which demand was afterward, and on the 21st of August, 1871, duly assigned to your petitioner for a valuable consideration.

Your petitioner, therefore, prays that an act may be passed to pay him the amount of money due to him, as above stated, viz, \$40,563; and your petitioner, as in duty bound, will ever pray, &c.

D. J. McCANN.

F.

Articles of agreement made and entered into this twenty-ninth day of June, A. D. eighteen hundred and seventy-one, by E. S. Parker, Commissioner of Indian Affairs, for and on behalf of the United States, of the first part, and D. J. McCann, of Nebraska City, Nebraska, of the second part, witnesseth:

The said party of the second part, for himself, his heirs, executors, and administrators, hereby covenants and agrees with the said party of the first part to receive at Cheyenne, Wyoming Territory, the goods for the Indians of the Whetstone agency, and to transport them in good and well-covered wagons to the Whetstone agency, without unnecessary delay.

The party of the first part agrees to pay, or cause to be paid, to the said party of the second part, his heirs, executors, or administrators, for all the transportation performed under this contract, at the rate of one dollar and seventy-five cents per hundred pounds per hundred miles, payment to be made on presentation at the office of Indian Affairs of the receipts of the agent to whom the goods are consigned, after they shall have been properly approved according to law.

It is agreed, however, that, before the United States shall be bound by this contract, a bond in the sum of one hundred thousand dollars shall be executed by the said party of the second part, with two or more good and sufficient sureties; said bond to be conditioned for the faithful performance of this contract in all its particulars by the said party of the second part.

It is hereby expressly understood that no member of Congress shall be admitted to any share or part of this contract, or any benefit to arise therefrom, which provision is hereby inserted in compliance with the third section of an act concerning public contracts, approved the 21st of April, 1808; and it is further understood that the provisions contained in the first section of said act are hereby made a part and parcel of this contract.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

Signed in presence of—

J. E. Boyd, as to D. J. McCann.

E. S. PARKER, [SEAL.]
Commissioner of Indian Affairs.
 D. J. McCANN. [SEAL.]

G.

DEPARTMENT OF THE INTERIOR,
 OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 11, 1871.

SIR: Referring to the matter of the transportation of goods and supplies purchased for the Whetstone agency, and to your several communications upon the subject, I have to advise you that, owing to information having been received at this office to the effect that if said goods and supplies should be transported through the country to said agency accompanied by a military escort, hostilities would commence at once, and to the fact that Spotted Tail and his Indians, with the exception of three or four hundred, have left said agency with the avowed intention and determination of not returning to it, as at present located, instructions, with the concurrence of the honorable Acting Secretary of the Interior, have been given to George W. Corey, receiving and shipping agent at Cheyenne, to forward said goods and supplies to the Red Cloud agency, to be delivered to Agent Wham for issue at that place; also, to forward said supplies only as fast as the agent may call for them, as the means of storing the same at the Red Cloud agency are at present limited.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. D. J. McCANN,
Lincoln, Nebraska.

H.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., August 11, 1871.

SIR: From representations made to this Office, the Department is satisfied, in case the annuity goods and supplies purchased for Spotted Tail's band of Sioux are transported through the country to the Whetstone agency as at present located, that trouble and difficulty if not actual hostilities will ensue.

With the concurrence of the honorable acting Secretary of the Interior, I have therefore to direct that all goods and supplies received by you at Cheyenne for said agency be shipped to the Red Cloud agency, and turned over to Agent Wham for issue to Spotted Tail and his Indians at that place.

You will please see that the necessary instructions are given to that end to the contractor for transporting said goods and supplies, and also that the supplies for both Red Cloud's and Spotted Tail's Indians are forwarded only as called for by Agent Wham, as the means of storing the same at the Red Cloud agency are at present limited.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

GEO. W. CORRY, Esq.,
Cheyenne, W. T.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 4, 1874.

SIR: I have the honor to be in receipt, by reference from the Department, of a communication from Hon. R. R. Butler, dated the 2d instant, inclosing House bill, No. 2039, for the relief of Dwight J. McCann, for damages sustained by him in delaying his trains and changing the destination thereof by officers of the Government during the year 1871, and requesting to be informed why this Department cannot pay the claim, and to be furnished with such facts and suggestions as may be deemed proper.

Agreeably to the direction contained in Department reference, I would respectfully state that it appears from the records of this Office, that, in 1871, Mr. McCann was the contractor for transporting the goods and supplies purchased for the Indians belonging to the Whetstone agency.

These goods and supplies were shipped to Cheyenne, Wyoming Territory, where they were to be turned over to the contractor, to be delivered by him at the agency.

When he first train loaded with these goods, &c., arrived at Fort Laramie, owing to the unsettled condition of affairs at the Red Cloud and Whetstone agencies, the disaffection of some of the Indians, and their demand to have the goods, &c., unloaded at the fort, to be transported by themselves, the contractor asked for a military escort. Application was therefore made to the War Department for the necessary escort, which was ordered to be furnished.

Before starting from Fort Laramie, however, the agent for the Red Cloud agency and Major Crittenden, then in temporary command at that post, advised this Office that a military escort passing through the country to the Whetstone agency, would, in their opinion, produce trouble with the Indians and cause hostilities to commence at once. In view of this information the order for the escort was, at the request of this Office, suspended, and the goods, &c., were, by the direction of the Department, delivered at the Red Cloud agency, where they were issued, or turned over to the Indians entitled to receive them. The foregoing is a brief statement of the facts in the case.

As the detention of Mr. McCann's train was not caused by reason of any fault of his, but by the direction of this Department, and of the officers of the Government, I am of the opinion that he is equitably entitled to compensation for the damages sustained by him on account of such detention, &c.

The Department cannot pay Mr. McCann the amount to which he may be justly entitled on his claim as aforesaid, for the reason that there are no funds on hand applicable for that purpose.

The papers inclosed with your reference of the 3d instant are herewith returned.

Very respectfully, your obedient servant,

EDW'D P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

MISSISSIPPI LEVEES.

APRIL 17, 1874.—Recommitted to the Select Committee on Mississippi Levees and ordered to be printed.

Mr. MOREY, from the Select Committee on Mississippi Levees, submitted the following

REPORT:

[To accompany bill H. R. 2988.]

The Committee on Mississippi Levees, to whom the subject was referred, make the following report :

Your committee, in the consideration of the subject of the Mississippi levees as a national work, have sought rather to investigate the plans which have from time to time been advocated by distinguished engineers and other able writers, and to give the information collated from their investigations, rather than to attempt the origination of any plan or statement of facts peculiarly their own.

Impressed with the idea that the subject of the reclamation and protection from inundation of the "Alluvial Basin of the Mississippi" was one of vast importance, and believing that the selection of a plan, or combination of plans, as a fixed and permanent system under which the reclamation of the alluvial basin should be carried forward should be left to the investigation and decision of a commission of engineers eminent in their profession, we have reported the accompanying bill providing for the appointment of such a commission by the President of the United States, and have further reported on the general subject, treated from a national standpoint.

We have treated this subject in the following order :

1. *The history of the Mississippi levees, with a description of the alluvial basin of the Mississippi.*
2. *The efforts of the States toward protection and reclamation.*
3. *Results of the partial reclamation.*
4. *National character of the work.*

THE DELTA OF THE MISSISSIPPI.

In the delta of a river we may properly embrace all the alluvial lands below the point where its first extravasated waters leave its banks and may never return till they reach the ocean.

On the right bank of the Mississippi River, three miles below Cape Girardeau, in Missouri, the high waters escaped over the banks prior to the construction of levees, passed into the White Water lakes and swamps, connecting with the Saint Francis and the Black Rivers, and thence down the White River and Arkansas Valleys, the Bayou Maçon, Ouachita, Red, and Atchafalaya Rivers, to the Gulf. These waters may never again, and often do never again, enter the Mississippi.

It is, therefore, proper to describe as the delta all the alluvial lands on the Mississippi and its affluents below Cape Girardeau.

This delta, according to recently-revised calculations, contains 38,706 square miles, including the alluvions of the several affluents below the point where their waters mingle. The confluent alluvions of the Arkansas and Red Rivers add, respectively, 500 and 1,887 square miles to this great delta valley.

Such is the fertility, such the climate, and such the productiveness of this body of land, that its rescue from submergence by annual floods becomes a matter of the highest moment to American progress and civilization.

CLIMATOLOGY AND PHYSICAL GEOGRAPHY.

The delta extends across eight and a half degrees of latitude, from 29° to $38^{\circ} 30'$ north. It reaches from the semi-tropical lands of the orange and lemon to the border of the ice-floes that, in rigorous winters, block the channel and arrest the navigation of the river.

Its breadth in longitude has an average of one-tenth its length, being about sixty miles, though it contracts and expands from thirty miles, in its narrowest width, as at Natchez and at Helena, to about ninety miles, as at Napoleon, and at Manchac to Last Island.

The delta is everywhere thridded and thwarted with interlocking bayous and navigable channels, placing every cultivable acre of its lands immediately upon, or very near to, steamboat navigation. In this particular it has no parallel known to civilized man. It is estimated that about one-tenth of the whole area is taken up in channels and water-spaces; and yet such is their value and importance as to subtract nothing from, but rather to add largely to, the total value of its measured miles of land.

The fertility of its soils, both by analysis and experiment, is of the highest quality; in fact, it is almost inexhaustible. Accordingly it produces in its two southernmost degrees, the great staples of rice and sugar in abundance and perfection unknown in any other portion of North America. In fact, sugar is cultivated only in the delta and south of latitude $31^{\circ} 30'$.

In nearly all portions of the delta, but more thoroughly in the five degrees north from 31° north of Red River, cotton grows in the delta-lands in double the quantities of the best uplands; and corn and sweet and Irish potatoes, in every portion of the delta, grow with facility and abundance and with a minimum of cultivation. In the northern borders the cereals grow and mature to the satisfaction of the agriculturist. The fruits of the tropical and temperate zones—oranges, figs, grapes, apples, and peaches—are duly distributed and easily grown, each in its proper habitat, over the delta; while pecans, the most valuable of all nuts, grow in wild profusion over the entire alluvial basin.

The remarks as to productiveness are applicable to every acre not submerged, and not merely to chosen spots, as upon the uplands adjacent on either side.

We may compute, then, 22,920,320 acres of actually productive land upon this alluvial basin. (This is exclusive of 3,616 square miles of irreclaimable marsh, as will appear below.) In this respect it is probably the largest body of like fertility known to geography.

The forests of the delta are remarkable for the largeness of the trees and exuberance of foliage and vines. The oaks and the cypress are the leading timber-trees, though many others are used. The live-oaks in

the southern portion are large and very abundant, indicating mainly a soil not often inundated. But the cypress-trees, of vast height and magnitude and of unlimited demand, grow best in the lowest swamps, and do greatly redeem and render equally valuable as cultivable land the most impracticable portions of the whole valley. Fifty thousand feet of lumber, clear stuff, from an acre of cypress-swamp is no unusual product.

So inviting is the temperature of this delta during the largest portion of the year from the northern limit of the cotton-region south, and so promptly, uniformly, and abundantly do the soils respond to the labors of the husbandman, that its hundreds of winding streams were lined with settlers before the war, even anterior to any certain protection by levees from frequent inundation. It was common to say that a loss of two crops in ten by overflow could be better borne than the half-crops produced upon the uplands.

Freedom from the extremes of heat and cold form a great feature of this delta, and distinguish it greatly above the alluvions of the Nile, the Ganges, the Amazon, and the Orinoco.

The annual mean temperature at New Orleans, Baton Rouge, Natchez, Vicksburgh, Helena, Memphis, and Cairo show the regular gradation from 69° to 45°.

The rain-fall over the delta, while it is abundant and well distributed, has no extreme exceptions; but crops are invariably produced.

Rain-fall.

Locality.	Spring.	Summer.	Autumn.	Winter.	Annual mean.
	<i>Inches.</i>	<i>Inches.</i>	<i>Inches.</i>	<i>Inches.</i>	<i>Inches.</i>
Memphis	11	7.5	7.9	15	41.8
Vicksburgh	11	12	10.5	16.7	50.9
Natchez	12	11.8	9.8	15.9	50.3
Baton Rouge	13.5	18.4	12.2	15	60.4
Plaquemines	15.9	26.3	9.4	15.7	66.3
New Orleans	11.1	16.6	11.8	12	*51.5
Mean	12.4	15.4	10.3	15	53.5

* Some mistake in the figures for New Orleans. The rain-fall is 69 inches by the scale.

In the lower portion of the delta, bordering the Gulf, the marsh-lands occupy 7,232 square miles of area.

Of this portion of the delta, about one-half is reclaimable; the other half is irreclaimable, and would serve merely as reservoirs and water-spaces, distributed through the reclaimed lands, thus reducing the reclaimable delta to 35,813 miles.

Of the portion deemed reclaimable north of parallel 39°, about one-fifth is now occupied by man, mostly subject to occasional inundation from the river; the remaining four-fifths, or nearly 30,000 square miles, are utterly uninhabitable without the protection of levees against river and sea.

The water-spaces, which occupy about one-tenth of the delta, are so valuable to the habitable area that no reduction should be made from the acres embraced in computing the value of the lands.

And in the computation of value over such a realm of fertility, by what measures shall we estimate it? Certainly dollars, or gold in any form, will be inadequate to its measure. As well fix a value on freedom and civilization. To a nation or government like the United States, an area of this magnitude, lying for six hundred miles across and along

the borders of seven States, has no possible valuation estimable in money.

But when we consider that it will sustain a population of five millions of human beings, with nearly all the luxuries and comforts of life produced within the delta itself; and that it will sustain double that number, or ten millions, with comforts and necessary wants, more profuse than in the denser populations of Europe, we approach an appreciation of the value of the Mississippi delta to the future demand of civilization.

Still, as productions are measured in the census-tables by dollars, and some approach to the capacity for production may be computed, we give the figures in a subsequent page, as some measure or index to the value of the delta to the nation's wealth.

THE BASIN.

The entire delta lies beneath the level of the flood-waters of the Mississippi, as inferable from facts so apparent in its geology and from actual measurements across the basin or valley. The great high waters are so numerous, and the ordinary high water so completely above the body of the cultivable lands in the delta, that it were futile to attempt a general cultivation or habitation of the alluvion without some effectual barrier against the floods.

The sections leveled across the delta (see "Delta Survey") and carefully digested reveal the results that the average depth of the alluvial level below the highest water-marks known amounts to twelve and a half (12.5) feet; and in obtaining this result the whole marsh region south of latitude 30° is excluded. The maximum depth is 27 feet.

Hence if, unrestrained by levees, the floods of the Mississippi River should fill the alluvial basin to the high-water marks of the river-banks at corresponding latitudes, the alluvial sea would be 600 miles long and 60 miles average width, and would have a mean depth of 12.5 feet. It is, therefore, obvious that there would be no safety for life or property under such a contingency.

And although the flood might never acquire this maximum elevation, the records show that in the years 1801, 1809, 1813, 1815, 1823, 1828, 1836, 1844, 1847, 1849, 1850, 1851, 1858, 1859, 1862, 1865, 1868, 1871, and 1874, the floods approached very near, within a few inches (less than half a foot at New Orleans, and less than two feet in the river the whole length of the delta, where not recently disturbed by cut-offs) of the greatest high-water mark, and that mark is necessarily above the level of all the alluvial lands lying opposite and south of each point of observation on the river-bank.

This isolated view will give some appreciation of the magnitude of the work for restraining these floods; for in all the seasons named, prior to and including 1844, the main body of the delta valley was a fresh-water turbid sea.

While there have been many theories advanced by scientific men, engineers, and others for the reclamation of this great basin, the practical efforts that have been made have been through the construction of earth banks, or walls denominated levees. An examination shows that the history of the levee is intimately connected with the history of the country. The first permanent settlements by Europeans in the valley of the Lower Mississippi were made at Natchez and at the present site of New Orleans. At Natchez, the bluffs were occupied, but at New Or-

leaves precautions had to be at once taken to protect the colony from inundation.

According to Dumont de la Tour, the engineer who laid out the city of New Orleans in 1717, there was directed "a dike or levee to be raised in front, the more effectually to preserve the city from overflow." Although this work was so early contemplated, it was not completed until November, 1727, when Governor Perrier announced that the New Orleans levee was finished, it being 5,400 feet in length and 18 feet wide on the top. He added that within a year a levee would be constructed for eighteen miles above and below the city, which, though not so strong as that at the city, "would answer the purpose of preventing overflows."

In the mean time, colonists continued to arrive slowly and occupy the land along the river-banks, so that in 1723, according to François Xavier Martin, "the only settlements then begun below the Natchez were those of St. Reine and Madame de Mezieres, a little below Point Coupée; that of Diron d'Artaguet, at Baton Rouge; that of Paxis, near Bayou Manchac; that of the Marquis d'Anconia, below La Fourche; that of the Marquis d'Artagnac, at Caunes Brulées; that of De Meuse, a little below; and a plantation of three brothers of the name of Chauvin, lately from Canada, at the Tchapitoulas."

In 1728 Dumont says there were five colonies "extending for thirty miles above New Orleans, who were obliged to construct levees of earth for their protection." The expense of constructing these embankments was borne by the planters, each building a levee the length of his river-front.

In 1731 the Mississippi Company gave up the colony to the French Crown. In 1735 Du Pratz states that "the levees extended from English Bend, twelve miles below, to thirty miles above, and on both sides of the river." The same year the insufficiency of the works was demonstrated, as "the water was very high, and the levee broke in many places." It is certain that this difficulty continued to be felt, for in 1743, according to Gayarré, "an ordinance was promulgated requiring the inhabitants to complete their levees by the 1st of January, 1744, under a penalty of forfeiture of their lands to the crown."

According to Monette, in 1752 the plantations extended "twenty miles below and thirty miles above New Orleans," and in that distance nearly the whole coast was in a high state of cultivation, and securely protected from floods. Captain Philip Pittman, who published a work in 1770, defines the settlements at that date as extending only "thirty miles above and twenty miles below New Orleans." In other words, the inhabitants for twenty years had been devoting themselves to the cultivation and improvement of those districts already partially reclaimed, instead of trying to extend the levees farther along the bank. The wars between England and France, the cession by the latter power of all her territory on the Mississippi to Spain in 1763, and the impolitic course pursued by the Spanish governors doubtless contributed to retard the growth of the colony at that epoch. It also appears to have been supposed that the settlements could not be extended farther down the river "on account of the immense expense attending the levees necessary to protect the fields from the inundations of sea and land floods," which would render it advisable to defer the settlement of that section of the country "until the land shall be raised by the accession of soil." (*François Xavier Martin*.)

In the year 1800, the territory was ceded back to France, Napoleon being then First Consul. In 1803 it was ceded to the United States. Its

condition may be inferred from the following extracts from the abstract of documents of the State Department and of the Treasury, 1802-'5:

The principal settlements in Louisiana are on the Mississippi River, which begins to be cultivated about twenty (20) leagues from the sea. Ascending you see them improve on each side, till you reach the city, (New Orleans.) Except on the point just below Iberville, the country from New Orleans is settled the whole way.

Above Baton Rouge, at the distance of fifty leagues from New Orleans, and on the west side of the Mississippi, is Point Coupée, a populous and rich settlement, extending eight leagues along the river. Behind it, on an old bed of the river, now a lake, whose outlets are closed up, is the settlement of Fausse Rivière.

There is no other settlement on the Mississippi, except the small one called Concord, opposite Natchez, till you come to the Arkansas River, two hundred and fifty leagues above New Orleans. Here is a small settlement. There is no other settlement from this place to New Madrid.

Louisiana was admitted to the Federal Union in 1812. Stoddard, in his History of Louisiana, published in that year, states:

These banks (levees) extend on both sides of the river from the lowest settlements to Point Coupée on one side, and to the neighborhood of Baton Rouge on the other, except where the country remains unoccupied.

In 1828 the levees were continuous from New Orleans nearly to Red River landing, excepting above Baton Rouge, on the left bank, where the bluffs rendered them unnecessary. Above Red River they were in a very disconnected and unfinished state on the right bank as far as Napoleon. Elsewhere in the alluvial region their extent was so limited as to make it unnecessary to mention them.

In 1844 the levees had been made nearly continuous from New Orleans to Napoleon on the right bank, and many isolated levees existed along the lower part of the Yazoo front; above Napoleon few or none had yet been attempted.

In September, 1850, a great impulse was given to the work of reclaiming the alluvial region below the mouth of the Ohio by the Federal Government, which, by an act approved September 28, 1850, granted to the several States all swamp and overflowed lands within their limits remaining unsold, in order to provide a fund to reclaim the districts liable to inundation. The States of Louisiana, Mississippi, Arkansas, and Missouri soon organized offices for the sale of the swamp-lands, and appointed commissioners for the location and construction of the levees. The systems adopted were generally faulty, and have undergone many modifications. Those now in force will be explained under the next subdivision of this subject.

Careful examinations and inquiries, made by parties of the delta survey in the autumn of 1857 and the winter of 1858, resulted in the following exhibit of the actual condition of the levees at that date. Each bank of the river will be noticed in turn.

Beginning at the head of the alluvial region, on the right bank, the inlet between Cape Girardeau and Commerce Bluffs was closed by a macadamized road, some 4 feet high, which crossed the low ground about 2.5 miles from the right bank. From Commerce Bluffs to a sandy ridge, above overflow, near Dogtooth Bend, the levees were nearly completed. Thence they were finished to a point six miles below Cairo. Here was a gap of three miles, but upon land so elevated as to be overflowed only in the highest floods. Next was a strip of high land, above overflow, three miles in extent. Next came 8.5 miles of completed levee; next 0.5 of a mile of high land, above overflow. This point is about five miles above Hickman. Thence to Bayou Saint John there was a continuous levee. Thence to Point Pleasant the land is entirely above overflow. Thence, to the northern boundary of Arkansas, the levees

urly completed. Between the northern boundary of Arkansas and the old levee there were about 2.5 miles of unfinished levees. In the bend, above the old levee, was a gap 1.5 miles long; opposite Island 34 was another, 1.5 miles long; between Islands 36 and 37 was another, 2.5 miles long; between Islands 37 and 38 was another, four miles long; at foot of Island 39 was another, 1.5 miles long; at foot of Island 41 was another, 0.3 of a mile long; six miles below Memphis was another, 1.5 miles long; in the Bend, near Island 53, was another, 3 miles long; in Walnut Bend, near Island 56, was another, 1 mile long.

The above list includes the whole of Saint Francis bottom. By summing up the different gaps it will be found that they were about twenty miles in length. It would be a great error to imagine that the river was securely leveed with the exception of these breaks. The levees had all been made since the flood of 1851, and consequently had never been tested. They were much too low, hardly averaging 3 feet in height, although some of them, across old bayous, were of enormous size, for instance, a short one near the northern boundary of Crittenden County, which was reported to be 40 feet high, 40 feet wide at the top and 320 feet wide at bottom. Generally their cross-section was much too small, and, upon the whole, they were quite inadequate to the object for which they were intended.

From the mouth of Saint Francis River to Old Town the levees were complete. Between this place and Scrubgrass Bayou there were several levees amounting to about fourteen miles. Thence to Napoleon there were no levees. Between Napoleon and the high land south of Cypress Creek there were only about three miles of levee. Thence, nearly to Point La Hache, below New Orleans, the embankments were completed. On the left bank, excepting a few unimportant private levees, there were no artificial embankments between the mouth of the Ohio and the northern boundary of Tennessee. The near approach of the hills to the river throughout the greater part of this region has the effect of flooding by hill-drainage, the narrow belts of swamp-land, and there is no immediate prospect of any attempt to reclaim them. Whether leveed or not, they are too trifling in extent to have any sensible influence upon the high-water level of the Mississippi River.

The Yazoo bottom, below the Mississippi State boundary, was considered to be well protected by levees. They, however, averaged only about 4 feet in height, and, having been mainly constructed since 1853, had never been tested by a great flood. They were much too low and too narrow, as the flood of 1858 proved. The levee which closed the Yazoo Pass was an enormous embankment across an old lake. It was 152 feet long and 28 feet high, with a base spread out to the width of 100 feet. About ten miles of gaps in Coahoma and Tunica Counties between Islands 51 and 67) had been closed in the winter of 1858, and consequently the levees had not had time to settle properly before the occurrence of the high water. There was only one open gap; it was nearly opposite Helena, and had been caused by a caving bank.

Between Vicksburgh and Baton Rouge, on the left bank, the levees were completed where there was any occasion for them. The hills approach so near to the river in this part of its course that the bottom-lands are limited in extent, and hence somewhat liable to injury from sudden upland drainage.

From Baton Rouge nearly to Point La Hache, the whole river-coast was level.

In the year 1849, the State legislature of Louisiana had memorialized the Congress of the United States, praying for aid in the matter of pro-

tection against floods, and basing their argument for aid mainly upon the interest the General Government had in the unsold lands in the delta.

The response made by Congress was twofold. The delta survey was ordered to be made by the United States engineers, and the swamp-lands unsold were donated to the several States; so that by the year 1853, the several States interested had enacted laws relating to levees, contemplating the rescue of the entire delta.

The survey ordered was undertaken, and for three years continued, and partial reports were made upon its progress; but the impression had been confirmed in the minds of the people that the great delta was made for the uses of man, and that a courageous people could rescue it.

So the progress of levee construction was right onward in spite of the diversity of jurisdiction, the want of uniform system, and the repeated crevasses caused by feeble levees, by accident, and by criminal violence.

In the year 1858, according to Humphreys and Abbot, the line of levees was complete on the left bank from Pointe à la Hache to Baton Rouge; thence to Vicksburgh they were not required, because the river impinges or approaches near the bluffs for this distance of two hundred miles. From Vicksburgh to Horn Lake, the northern limit of the Mississippi, the line was completed, including a stupendous levee across the Yazoo Pass, the greatest outlet yet closed. Thence, to the head of the delta, no levees were required, except very short ones for local convenience.

On the right bank, ascending, the line was complete through Louisiana and up the Arkansas front to a few miles below the mouth of the Arkansas. Thence the banks of the Arkansas and Missouri fronts were well-nigh lined with levees, wherever they were required, to the head of the delta at Cape Girardeau, the openings above the mouth of the Saint Francis amounting to about twenty-five miles, and those below to about fifteen miles—forty miles in all.

These openings were well-nigh closed, and the entire system greatly strengthened and improved by the beginning of the year 1861, when the war interfered, and arrested all work upon the levees.

LEVEE ORGANIZATION IN THE DIFFERENT STATES.

It is important that it should be understood that much of the want of success attending the efforts to secure the alluvial lands from overflow has arisen, not from inherent difficulties in the construction of works of protection, but from the adoption of systems which have allowed one district to be submerged in consequence of the insufficient character or faulty execution of the laws of another, or left it to be protected by taxes levied upon another.

We have not the space to give a full history of the different systems adopted by the States bordering on the Mississippi River. Before the late war, when labor was in a thorough state of discipline, systems were adopted which in some localities proved efficient in protecting those localities. In other cases, where the same means were adopted, the protection was not afforded, because an adjoining district of country higher up on the river failed to protect itself, and the consequence was that crevasses occurred, and the water, pouring through the openings made, inundated the district below, which had in vain hoped for immunity from the ravages of the flood by taking all possible precaution within the limits of its own territory. Thus we see that, for want of a

comprehensive system that embraced within its operations what is generally known as a "levee district," no locality or district of country could be made safe by any amount of precaution taken and labor expended within its own territory. The people and authorities of one locality had not the power or authority to protect themselves by preserving the levees of another locality above them, and if they had the power they had not the ability, for the expense entailed upon each locality was very great, as in most cases by law the whole burden fell upon the riparian or front proprietors, notwithstanding the fact that on account of the land being higher on the front than it was farther back from the river, the riparian proprietor frequently wholly escaped damage from a crevasse that occurred a few miles off, while the planter in his rear had his entire crop destroyed by the backing-up of the river-water on his land.

In other localities the system was a little different, but generally was accompanied with features which, though varying from those previously described, were fully as faulty. Since the war, the States of Louisiana and Arkansas have endeavored to inaugurate different systems. The State of Louisiana has expended above \$8,000,000 of bonds upon her levees, and is still without a sufficient protection to a large portion of her most valuable sugar and cotton-producing territory. Thousands of acres of land that before the war produced from one to two bales of cotton per acre, and was valued at from \$50 to \$100 per acre, are now growing up in cotton-wood groves, and are being sold for taxes; cause, want of protection from inundation.

The State of Louisiana has now adopted another system, placing the levees in the hands of a private corporation, and agreeing to pay them a price for the work to be done by them, which is about twice the actual cost of such work; the amount to be raised by taxation on the whole property of the State. This system has not been fairly tried, the company having been greatly embarrassed by the failure of the State authorities to pay over the funds collected to the company, and the company being thereby rendered unable to construct as many levees as is necessary for the protection of the State. The result this year (1874) is that, while this report is being written, some of the fairest and most valuable sections of our State are being laid waste by the most disastrous inundation we have had since the war. Even though this company should be able to fulfil its contract with the State, it could not by any possibility afford protection to a large section of the northern portion of the State, which is inundated through the breaks in the levees in Arkansas, unless that State should also give her territory thorough protection by a perfect levee-system.

RESULTS OF THIS PARTIAL RECLAMATION.

Before the beginning of the war of secession, there had been constructed by Louisiana seven hundred and forty miles of levee on the Mississippi, at a cost of \$18,000,000; and on the outlets, Atchafalaya, Plaquemine, and Lafourche, four hundred and forty miles, at a cost of \$5,000,000; and in the Red River portion of the delta, about fifty miles, at a cost of about \$1,000,000; by the State of Arkansas, about one hundred and eighty miles, at a cost of \$1,000,000; by Mississippi, about four hundred and forty-four miles, at a cost of \$14,500,000; and by the State of Missouri, about one hundred and forty miles, at a cost of \$1,640,000.

This is an aggregate of levee-work done by the States and by the indi-

vidual inhabitants of two thousand miles, and at a cost of \$41,140,000 spent in construction. And, in addition to this vast sum expended in a conflict of more than one hundred and fifty years, the loss of more than double this sum has been incurred in the disasters of crevasses and inundations; all wrung from the sweat of a most valiant, industrious race, in the cause of reclamation and civilization.

Does it not seem that this is a time for the Government to step in and assume the protection of the area rescued from the dominion of the waters? Does not the laborer, in this conflict, the industrial soldier, whose ancestors for three or four generations have given their lives to this enterprise, deserve repose and laurels for himself and his posterity?

LEVEE LABORS SINCE THE WAR.

The amount of destruction to levees occasioned directly by military necessity, and the consequent abrasions and increase from the currents rushing through the openings thus made, can never be ascertained. Certain it is that long reaches of crevasse still remain unclosed; and that, especially in Missouri and Arkansas, little attempt has been made to replace them, above the mouth of the Arkansas.

The States of Louisiana and Mississippi immediately addressed themselves to the task of replacing the most important levees; and, although some great openings have been deferred on account of their magnitude, others of the largest kind have been rebuilt, and again broken and re-built; and for the reason of extraordinary caving as a consequence of cut-offs newly made, and other causes, will have to be again rebuilt, for the third time since the war, to save the best plantations and some of the largest interests in the State.

The levees rebuilt since the war in Louisiana, in the four parishes north of Red River, and in Point Coupée, up to the end of the year 1870, amount to just 8,135,656 cubic yards, at a cost of about \$4,881,936.

In consequence of the opening in the levee at Ashton, near the Arkansas line, and at Diamond Island bend, the river did not rise as high in the district north of Red River as formerly, and the levees hence were built only to an elevation five feet below the highest water-marks; and hence the cost and contents have been greatly reduced.

General Thompson's report of 1870-'71, as chief State engineer of Louisiana, says:

In my October 26th report, 1869, I have shown that it would require 5,218,000 cubic yards of earth to place the levees of these parishes in repair, up to the old grade. But the wear and tear of levees I estimate to amount to near 2,000,000 cubic yards per year. This year's report confirms last; for this report embraces every defective levee in the five districts, and calls for 5,111,300 cubic yards.

We have built 2,206,000 yards during this past season, which will leave 2,000,000 more for the Mississippi River had there been no caving; but with new work just rendered necessary, we shall require 4,000,000 yards, including the closure of the Ashton and Diamond Island crevasses.

O. D. Bragdon's "Facts and Figures for the People," January 1, 1872, prepared under the eye of the governor by his private secretary, and certified by the State auditor, says, "The levee bonds issued by Louisiana, on which the State pays 8 per cent. interest, amount to \$8,134,000." Thus:

Act 35, 1865	\$1,000,000
Act 15, 1867	4,000,000
Act 32, 1870	3,000,000
Act 105, 1870	134,000
	<hr/>
	8,134,000

NATIONAL CHARACTER OF LEVEE-BURDEN.

We now come to the consideration of the question, IS THIS PROPERLY A NATIONAL WORK? We unhesitatingly answer in the affirmative, and we will proceed to give some facts and figures which we think will fully sustain our position.

We believe that, upon the same principle that the nation is taxed for the improvement of our harbors and rivers, it should be taxed for the maintenance of the banks of that river, which is a national highway, and the natural outlet for the commerce of not less than sixteen States of the Union.

Private enterprise in Louisiana had brought into market swamp-lands held by the Federal Government to the extent of two millions of acres. In consideration of this gain to the Treasury, the act of March 2, 1849, granted the remaining swamp-lands in Louisiana to that State for the uses of her levees. On similar grounds, Congress extended the provisions of that law in the act of September 28, 1850, to Arkansas and all other States having lands of that character belonging to the Federal Government.

In the general appropriation act of September 30, 1850, the Government directed the application of \$50,000 to "a topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation," &c. Fifty thousand dollars additional were applied under the law of August 31, 1852, for a continuance of that survey of "the Mississippi bottom, and such investigations as may lead to determine the most practicable plan for securing it from inundation." The surveys thus ordered were carried on during several years by a distinguished officer of our military engineers, and are embodied in a report made in August, 1861, to the Secretary of War, a report which, constituting a valuable addition to physical science, places this country, on the subject of the philosophy of rivers, in the high position in which it had been placed previously by Lieutenant Maury on the subject of the philosophy of the sea.

The Federal Government had carried out its solicitude for the levees up to the outbreak of the rebellion. Soon after the close of the war it resumed its policy in reference to those works by ordering General Humphreys to report upon their condition with a view to their repair. That report was made in January, 1866, but remained a dead letter because of want of funds in the hands of the War Department to carry out its recommendations.

Several bills have been introduced in Congress based on the policy laid down in the action taken by the Government since 1850 on the subject of levees. These undertake to commit the nation to an expenditure upon those works from the public Treasury—an expenditure varying in amount but averaging about \$25,000 per mile, or, for 1,600 miles, \$40,000,000. The Senate committees to which these measures have been referred have invariably reported in their favor. Senator Clarke reports, July 2, 1866, that his select committee "is satisfied the people of those States"—those concerned directly in the levees—"are unable without aid from the Government to undertake and complete the necessary repairs." Senator Henderson, from the Committee on Finance, reports, on March 27, 1867, that his committee is satisfied of "the constitutional power and the expediency and *good policy*" of granting Federal aid to the construction of the levees. A committee on the levees of the Mississippi has been created by the Senate, and thus for a period of

twenty years have the executive and the legislative departments of the Government gone on in the assertion of a settled policy which declares the levees of the Mississippi to be public works of the nation.

Senator Alcorn, from the Senate Committee on Mississippi Levees, in his able report made on the 2d of May, 1872, says:

Your committee, therefore, have no hesitation in recommending that Congress go at the work of giving to the country the immense resources of the Mississippi alluviums in the spirit of intelligent earnestness, which demands all that the Government engineers estimate under the head "perfecting existing levees to the proper height." To patch those works in any form short of this would be but to adjourn the question of their execution—after the loss of the immediate benefits which make the final disposition of that question an urgency of the hour—to be dealt with by and by in the more enlightened statesmanship which demands that it be dealt with thoroughly now.

The Government is the proper agency for the execution of Government works. There is no more reason why the improvement of the Mississippi River should be taken out of the hands of the Federal authority than the improvement of the Hudson River. Like that other public work of the nation, the deepening of East River through the rocky shoals of Hell Gate, the embankment of the Mississippi should be placed under the sole charge of that most capable, most conscientious, most generally-trusted agency at the service of the nation—the Corps of Topographical Engineers.

Thirty-six millions of dollars will, according to the estimates of the Chief Engineer of the Army, give the country the immense results flowing from a perfect system of levees. If these results but enable us to realize existing opportunities of expanding our commerce with the East unembarrassed by its heavy drafts on our supplies of the precious metals, this outlay of thirty-six millions of dollars would prove, on that consideration alone, a highly profitable investment. If the expenditure proposed for the reclamation of the alluviums of the Mississippi but place our manufacture of cotton fabrics in New England under a condition to work back to the expensive health indicated in its increase of breadth in our exports up to 1860, that expenditure will have been made to yield a great national profit. If it but save the States of the West the enormous tax on their products of transportation over railroads to the seaboard, by throwing open to them a demand of over one hundred and fifty millions of dollars in an adjoining territory accessible by water-carriage on the Mississippi and its tributaries, it will have proved one of the most productive outlays that can be made by the nation. If these thirty-six millions of dollars, instead of appreciating the national paper—as their outlay will—to par, by arresting a great outflow of specie for sugar, and by inducing a great influx of specie for cotton, but appreciate the national paper even one and a quarter per cent., their investment in the reclamation of the agricultural wealth that awaits but that investment for conversion in the flats of the Mississippi, will turn out to be the most profitable application that can be made of the public credit. Our imports in excess of our exports, our production of treasure absorbed in the payment of interest to foreigners, even our present scanty basis for a convertible currency dependent on foreign sufferance, and a struggle of interest among the nations threatening to make this gold-famine here permanent, this expenditure on the levees of the Mississippi, if it increase our production of cotton to even one-half of the promise which it gives on the faith of the Chief Engineer of the Army, will, by adding to our income an equivalent of one hundred and fifty millions of gold, have yielded the nation a profit incalculably great. And, surely, if it be worth to England an outlay of four hundred and fifty millions of dollars on railroads in India to crush the supremacy of the United States in the cotton-markets of the world, it is eminently wise on the part of the United States to make good a re-assertion of that supremacy at the cost of an expenditure, on the Mississippi levees, of thirty-six millions of dollars.

MAGNITUDE AND VALUE OF THE ALLUVIUM.

The delta of the Mississippi, with its head near Cape Girardeau, in Missouri, sweeps across nine and a half degrees, from $37^{\circ} 30'$ to 29° of north latitude, and contains about 38,706 square miles of area, while the Red River contains in her alluvium about 1,887 miles, and the Arkansas about 500 miles, liable to inundation, unless protected by levees. Thus we find the aggregate alluvial area of the Mississippi, and connate alluviums, dependent upon levees for protection against inundation, about 41,193 square miles.

The water-spaces within this area, traversed and threaded as it is by

streams and bayous, heighten rather than diminish its value, for they are so generally navigable as to render every portion of the alluvion accessible by steamers and other water-craft.

The portion of the delta within the State of Louisiana is very large as compared with that of any of her sister States. It may be estimated at about 19,315 square miles, or nearly one-half of the whole delta of the Mississippi River proper. This State has a total area of 47,024 square miles, showing more than two-fifths of the State to be within the Mississippi alluvion. And though its water-spaces (lakes not being included in the above result) may amount to one-tenth of the whole are embraced, they are so valuable to man's uses as to be legitimately computed as *acres* in our approximation of the value of the lands, whose reclamation is the object of our present enterprise.

Computing, then, 640 acres for every square mile of the delta, we find it to amount to 26,363,520 acres of land, of which the State of Louisiana has no less than 13,315,000 acres lying beneath the level of our great high waters. Levees only protect them now very inadequately from frequent submersion by the great delta-sea.

What value shall we impute to these acres of more than Egyptian fertility?

Let us analyze before we attach definite figures to this empire of wealth or water.

Assuming the 26,363,520 square acres of land to have been worth, unreclaimed, \$1.25 per acre on the fronts of streams of the larger class, to an average depth of one mile on each side, amounting to about 8,000 square miles, equals 5,120,000 acres; the whole would be worth at this rate about \$6,400,000. Computing the rest as not salable, but worth 10 cents per acre, say \$2,124,352. Add to this the salable land, and we have an aggregate value of \$8,524,352 as the total value of the Mississippi delta without levees.

What was their value at the beginning of the war, with the ineffective levee-system, then extending something like one thousand miles in Louisiana, and at least five hundred miles in the other States? The lands reclaimed were worth on an average \$30 per acre, and the 5,120,000 acres became worth \$153,600,000, and the remaining 21,243,352 acres were worth \$10 per acre, or \$212,443,520, and the real value of the whole area worth \$366,043,520.

In truth, the uncultivable portion of the lands, after reclamation, would be worth nearly as much as the cultivated, on account of the timber and range required as auxiliary to the cultivable land.

Should the reclamation be completed in ten years, we are confident, the total value of both the cultivable and uncultivable and the swamp-forest lands will be worth double this estimated value, and within the next ten years thereafter the real value, by this calculation, of the delta, if at all estimable in money, would be \$732,086,940. What, then, would be the importance to the people of the United States, in a period of fifty years, if all the alluvial lands of the delta are reclaimed and utilized? The amount required to put the levees in order, and keep them thus, will be returned, in a territory rescued by science, courage, and enterprise from the delta-sea, the most valuable on the globe.

THE QUICKEST, BEST, AND ONLY ROAD TO PROSPERITY FOR THIS COUNTRY BY RESTORING THE BALANCE OF TRADE IS THROUGH THE INCREASED PRODUCTION OF COTTON.

We will now for a moment look at this matter from another standpoint.

We will inquire what effect would the reclamation of the cotton and sugar lands have in preserving the balance of trade and exchange in our favor.

Restore the Louisiana levees alone, even to their imperfect condition before the war, and she can make at least the two hundred and twenty-five thousand tons of sugar produced in 1860. We consume over four hundred thousand tons of raw sugar of all kinds, it appears, and could produce, under the conditions of 1860, over 40 per cent. of this amount, but the destruction of levees has sent us to Cuba and Brazil for this necessity of life. We are paying for our sugar and molasses probably sixty millions a year in gold, besides the ten or twelve millions of food and manufactures we export to these countries. Of course we are losing the home manufacture of the tools and costly machinery for sugar-making which the sugar-planters in Louisiana would gladly purchase from the North and the West, and use on their sugar-estates.

Let the levees be constructed and maintained, and in less than ten years Louisiana will make all the sugar the country needs, of a quality hardly equaled, and thus save a yearly balance of \$60,000,000 from going abroad, and help our home manufacturers and machinists by large purchases of clothing, tools, and mechanism for our sugar-mills. This moderate statement might be made larger and yet be the truth.

Cotton is the great crop for export. We are accustomed to look almost wholly to foreign markets, especially to that of England; but we can supply the large demands of that country and build up in our own land factories that shall add largely to our wealth, save us costs of transportation, give us more stable and better prices, and keep the profits and the added values that skill and labor give to this raw material within our own borders. In the years 1858 and 1859, the *profits* of cotton manufacture in Great Britain, by their own reports, were \$188,000,000 a year, while the *total value of our cotton crop* was a little less, or \$186,000,000. Surely, it would be well for us to gain some of this profit at home.

Not only Englishmen as individuals and in corporations make large investments to secure their supply, but the British government, ever watchful for the interests of the vast manufacturers on which its power depends, has acted without fear or hesitation. In 1861 Lord Dalhousie inaugurated a railway-system in India, planning forty-six hundred miles of railroads, to cost \$440,000,000. These iron paths, spanning rivers and scaling and tunneling mountains at a cost greater than that of our Union Pacific Railroad, were intended to facilitate the transportation of cotton, and thus insure a full supply for the English mills. The government at once engaged to pay the interest on this immense investment. Surely, if the British government can assume such risks to wrest from us the privilege of supplying their cotton-mills, ours can well pay the comparatively small sum which is necessary to maintain that privilege, and meet the wants of a home demand that should be tenfold greater than now. Our cotton crop of 1859-'60 was 5,196,444 bales—more than finds its way to the markets of the world to-day.

Our crop in 1868 was 2,430,893 bales; in 1869, 3,122,551 bales; in 1870, 4,352,317 bales; and in 1871, (a disastrous year to cotton-planters,) about 3,750,000 bales. In 1861 Mississippi alone raised 1,202,507 bales, more than a third on its alluvial lands; and in 1860 the Yazoo basin produced 220,000 bales.

Perfect our levees, and we can have ten million acres of the best cotton-lands in the world, and to say they will yield five million bales is a moderate statement. Let a million industrious laborers bend their energies to this task on these reclaimed lands, and they can raise five mil-

on bales of cotton of four hundred pounds each, or two thousand million pounds, worth three hundred million dollars, at the low price of fifteen cents per pound, and over four hundred million dollars at present prices.

The cotton-region in the alluvial lands would embrace the four northern parishes of Louisiana—Concordia, Tensas, Madison, and Carroll—and the Yazoo basin and the region north of Helena, and include parts of Louisiana, Arkansas, Mississippi, Tennessee, and Missouri.

These lands—level, free from stones, and with a soil easily tilled—are admirably adapted to the use of all labor-saving inventions. The steam-plow has been tried successfully, and every implement of that class will have ample scope, under best conditions. Irrigation, if needed, can be easily accomplished, and the harvesting of the cotton crop occurs at a season when the climate is delightful and healthful. With secure levees would come drainage and decrease of miasma and better health for all. Not only sugar and cotton are to be counted, but corn and live stock also. In 1860 the Yazoo basin produced two million five hundred thousand bushels of corn and abundant stock; and all through this alluvial region corn finds its congenial nourishment from the deep black soil and the fervid sun, and yields bounteously, while the wide range of pasturage for animals makes the raising of cattle and swine easy.

Then, to give an idea of the result we can reach, with levees perfected, our crops of sugar and cotton will add over \$350,000,000 to the yearly products of our soil, saving the country an import of \$60,000,000 in sugar and molasses, and giving us an added export of \$300,000,000 in cotton, with enough left of our total crop to furnish a home demand, which should increase greatly from the growth of our home manufactures. Thus shall we maintain our position as the great source of the world's cotton-supply. Thus shall come specie payment, a balance of trade in our favor, the payment of our national debt, and the decrease of taxation. Compared to all this the sum these levees will cost is small indeed.

This yearly result is fourfold greater than the rich product of all our gold and silver mines; yet the discovery of those mines has sent thousands of people among the rude mountains of our western Territories, has built up towns on the buffalo-paths of yesterday, has built the Pacific Railroad, peopled California, opened the Golden Gate to the Pacific, and sent steamships to Japan. This greater enterprise will not only find labor for all the present population along the Lower Mississippi; it will not only give the colored men profitable and congenial occupation on familiar ground, but it will open a broad and inviting field for immigration to a country where there is room enough for millions to live in abundant enjoyment, and create wealth by their labor and skill; and the influence of this added national income shall send the white sails of peaceful commerce over every sea, and make our nation's triumph of industry the wonder of the world.

Senator Alcorn, in treating this branch of the subject in his report, presents the following, which will be found to be an able presentation of the case, the conclusions of which are irresistible:

Economists led us to apprehend that the mines of California and Australia would have produced a glut of the precious metals. That the value of those commodities remains still the same is a proof, in general, that the supply does not exceed the demand. And McCulloch's calculations come under the corroboration of this conclusion when, in setting the wear and tear and loss of coin at one and a half per cent. per annum, the increase of metallic currency to meet the demands of progress at two percent. per annum, the consumption in the arts at sixty millions of dollars per annum, he declares the balance of the world's production—about fifty millions per annum—to be little more than sufficient to meet the absorptions of hoarding in Christendom and of commerce in Asia.

This closeness of the balance of supply and demand in the precious metals of the world points to the inevitable occurrences of *inequality of distribution* between the several nations of the earth, and therefore tells us to prepare, if we be wise, for an active struggle in resistance of the evil consequences of adverse disturbances of that balance here.

Gold is the true standard of national prosperity. "In every kingdom," says Hume, "into which gold and silver begin to pour in greater abundance than formerly, everything takes a new face; labor and industry gain life; the merchant becomes more enterprising; the manufacturer more diligent and skillful; and even the farmer follows the plow with greater alacrity and attention. But when gold and silver are diminishing, the workman has not the same employment from the manufacturer and merchant; the farmer cannot dispose of his corn and cattle, though he must pay the same rent to the landlord. The poverty, beggary, and sloth that must ensue are easily to be seen."

From 1816 to 1866 Great Britain added to her previously large amounts of metallic currency at the average rate per annum of eighteen millions of dollars. From 1793 to 1866 France increased her originally great supplies of specie at an average yearly rate a little less than eighteen millions of dollars. But the United States, though it had in 1792 but little coin, has contributed to her stock of metallic currency from 1792 to 1866 at the yearly average rate of but eleven millions of dollars. On the faith of these statements of Commissioner Ruggles, (Treasury Report for 1867, page xliii,) we find reason to suppose that our proportion of the gold and silver coin of the world has been always meager.

Our banking-system of the past showed in its frequent panics a deficiency of foundation in metallic currency. And this further general proof of the fact that we have always possessed less than our proper proportion of the world's coin receives corroboration from specifications—defective though they necessarily are in exactness—of the amount of real money in France, England, and the United States. The coin used for circulation and the ordinary reserves of bankers in Great Britain is estimated at between three hundred and fifty millions and four hundred millions of dollars. That in the hands of the bankers and people of France, as circulation, is estimated at from six hundred and fifty to seven hundred millions of dollars. Our own aggregate of coin does not exceed to-day one hundred and sixty millions of dollars.

Producers of one-third of the world's treasure though we are, we nevertheless hold very much less than our proportion of the world's specie. A brief review of our treasure-trade may be necessary to reconcile these two facts.

From 1861 to 1869, inclusive, the amount of the precious metals received at San Francisco was \$514,600,000. Adopting the estimate of Hunt's Merchants' Magazine of the production of those commodities received at other points—sixty millions—the aggregate production of gold and silver in the United States for those nine years ending in 1869 was \$574,600,000. The imports of treasure for the same period from foreign countries was \$148,800,000, and swelled the aggregate that passed through our hands for the nine years ending with 1869 to \$723,400,000. Our exports of treasure to foreign countries for the same period having amounted to \$520,200,000, we must have retained at home as much as \$203,200,000.

What has become of this surplus of gold for the nine years ending with 1869—an average of \$22,500,000 per annum? A very moderate estimate having fixed our supplies of coin in 1860 at one hundred and fifty millions, and no evidence being obtainable to justify an estimate of those supplies to-day at more than one hundred and sixty millions—for though officially there were in 1870 forty-eight millions of treasure in the national banks and one hundred and thirteen millions in the National Treasury, much of both sums were but paper certificates—what can have become of this annual accumulation of bullion at the rate of twenty-two millions and a half per annum? It certainly has taken some other form than that of coin. While all the world consumes annually but sixty millions of bullion in the arts, we must accept, therefore, in all estimates of our retention of gold for money, the conclusion that this republic, with the luxuriant habits, the personal vanities, the high rewards of labor, and the general distribution of wealth which happily gives our day-laborers gold watches and our domestic servants gold pins, consumes in the arts an amount of precious metals approximating the value of twenty-two millions of dollars a year! (Hunt's Merchants Magazine.)

From 1860 to 1870 our coin ought to have increased—at the average of the increase of coin in the world—thirty millions. If it has increased at all during that period, it has not done so to an extent exceeding ten millions. And thus have we continued up to 1870 to remain far behind France and England in our proportion of that real money which is the basis of national prosperity. But even the supplies of specie that we possess we hold but by European *sufferance*. Consuming more of the ordinary commodities of commerce than we produce, the country is afflicted with chronic over-trading that would long before this have made the settlement of our international accounts impossible, even though we paid out every dollar of our production of the precious metals, had not the settlement been made with the aid of a *system of credits*. Our

bonds, municipal, State, and national, represent an element of our account with Europe, and, so far, have answered the purpose of supplementing our exports to an extent that has enabled us to keep at home, up to this hour, about the same amount of coin as that held by us in 1860. But this bond-item of our finance moves gradually to the other side of the account; for when the bonds cease to be absorbed abroad, their *principal* disappears from our *income*, while their *interest* remains fixed in our *outgo*. And one thousand millions of our six per cent. paper held in Europe would, with a further demand for that paper closed, leave us, apart even from our extravagant consumption in the arts, drained of our domestic production of the precious metals.

The country suffers to-day, as she has always suffered, from a dearth of gold and silver as a basis of her currency; and in presence of a struggle among the nations for the gold and silver of the world, we find our originally deficient stock increasing at a rate but one-third of the average rate in Christendom. And while our total production of treasure may be held to be absorbed by interest payable abroad, a small fraction of our European credits thrown upon the market here might draw from us, under an exigency of Germany, France, or England, every dollar of even the coin we are now permitted to hold.

Our treasure supplies must be not only increased, but must be placed superior to exhaustion at any moment under exigencies of foreign finance. A return to specie payments cannot be made safely until we increase our supplies of specie, and place our possession of them under conditions of that healthy finance which will make those supplies, superior to all outside control, absolutely ours. And this is a necessity of not only our currency, but also of our commerce. Asia holds out her hands to us across the Pacific, with her spices, her drugs, her teas, her silks, and offers to give us the boon for which the world has struggled so long in its attempts to discover the northwest passage—offers to make us the factors of the Orient in the nations of the West. But this splendid prize involves an *unreturning* drain of treasure, such as that which now flows to the East from England at an annual rate varying from fifteen to eighty millions of dollars. And we must, therefore, fail to grasp that world-sought boon so long as our international balance-sheet leaves us, in fact, bankrupt in our supplies of the precious metals.

In making the sugar-lands of Louisiana convertible, the levees of the Mississippi promise to save us an expenditure to the amount of forty millions in treasure. In giving to our cotton-area an addition of seven millions of acres of the finest cotton-soils in the world, they promise to add to our income to the amount of hundreds of millions in silver and gold. And thus in giving us a healthy and independent means of increasing and maintaining our supplies of coin, in giving us a basis for an unlimited expansion of our Asiatic commerce, in giving us a basis for a safe return to a convertible currency, and, in short, in giving every class of our people the prosperity of a country into which "*money* begins to flow in greater abundance than formerly," the policy which has declared the levees of the Mississippi to be public works of the nation, rests on considerations of thoughtful statesmanship.

Another special consideration of the question of the levees of the Mississippi applies itself to our political economy with more than ordinary force. Our cotton industry is in danger. On the uplands of the South, where the yield varies from one-fourth to one-half of a bale to the acre, the interest which it pays on the capital invested is, even at the present prices of the fabric, very small. Every descent in the price must continue to arrest the progress of the restoration of the industry. And the descent will go on most assuredly until it shall have reached a point at which our cotton uplands will be thrown out of cultivation. And while a fall in prices will reduce thus the breadth of the production on the uplands, that fall is, on the other hand, a necessity of the ascendancy by which alone we can hold the country in her old position, the great cotton-producer of the world.

Cotton-culture represents the greatest triumph of American skill and industry. Under the operation of cheap production it drove all rivalry from the markets of the world, and sustained itself thus in the face of the vicissitudes incident to the crop, by its power to regulate prices. The ascendancy of American production of the staple having been arrested by the rebellion, other sources began to flow anew into the market under the operation of famine-rates. The East Indies had increased their contributions to the English looms, between 1860 and 1866, threefold; Brazil, fourfold; Egypt and the Mediterranean, fourfold; miscellaneous sources, fourfold; and the British West Indies, eightfold. Four-fifths of the cotton supplies of England were contributed by the United States in 1860; but the proportion contributed by the United States in 1870—the returns of the British Board of Trade for 1871 not having been yet received here—had not reached 54 per cent. of those supplies, a shade more than one-half.

A great combination has been operating for ten years against our supremacy in raw cotton. The governments of Europe are all parties to that combination, and, under the promptings of the Manchester Cotton-Supply Association, have made the diffusion of cotton industry a subject of diplomatic action and of domestic policy. France has sought to stimulate the culture of cotton in Algeria by bonuses; Austria has made the

attempt in her Adriatic provinces by a system of premiums; Turkey has stimulated the production by offers of liberal land-tenures to European planters; Italy has surveyed, mapped, intersected with roads, several millions of acres of her southern territory, with the view of bringing back her culture of the staple, under the encouragement of liberal grants of land; and England, in order to stimulate the production in Central India, has, in addition to the distribution to the Hindoo farmers of seeds, tools, and information on the subject, given the cotton-fields of India access to the seaboard by railroads, at a cost of \$450,000,000!

Thirty-six states were represented at a convention of cotton-growers held in London in 1862, under the auspices of the Manchester Cotton-Supply Association. The ground taken in that conspiracy against our industry rested on the proposition that we could never again produce cotton as cheaply as before; and that so long as the United States failed to grow it at a price less than twelve cents per pound, so long could the states represented in the conspiracy go on successfully in their attempt to drive us from the market! The nation may rest assured that unless our cotton-fibers can be produced at some such rates as those by which they had reached their control of the market, they can never enjoy that control again. And a production so variable in its yield can never be maintained in healthy vigor anywhere under other conditions than those by which it had been maintained here—such a control of the market as shall cover any shortcoming in the crop by regulating its price.

The war waged upon our cotton-culture by the governments and peoples of Europe cannot be met successfully save on the basis of our cotton-triumph of the past—the basis of prices. If the uplands of the South are to be the scene of the conflict, their yield of from one-fourth to one-half of a bale to the acre brings us to trial so feeble that we must go down before the combination into which England and her allies have entered for our defeat. But the seven millions of acres to be brought into the uses of our cotton-culture by the construction of the levees of the Mississippi present a battle-field on which that great combination for the ruin of the grandest triumph of American industry may be brought to a close in the victorious assertion once more of our supremacy in the cotton-market. "The best cotton-land in the world, capable of producing a bale to the acre," as those alluviums are very truly said to be by General Humphreys, so prolific is their production of the fabric—with the same amount of capital and the same amount of labor—that the exclusion of all rival producers from the market, and the destruction of all the capital invested in their production, will follow the establishment of our cotton-industry in the unapproachable strength of the seven millions of acres which will be given for that national purpose by the construction of a complete system of levees on the Mississippi River.

Our cotton-uplands are being denuded of their labor. The higher productiveness of our Mississippi lowlands giving higher remuneration, their conversion having therefore at its command abundant supplies of labor, may be expected to go forward with extraordinary rapidity, after the levees shall have thrown them open by reclamation to the uses of agriculture. And seven millions of bales whitening, before many years, the splendid territory now lying waste on either side of the Mississippi, would, at ten cents per pound, not only enable us to crush all rivalry in cotton-production under our heels, but would at the same time add to the credit side of our international balance-sheet hundreds of millions per annum in gold.

Cheapness is a necessity of not only the maintenance of our cotton agriculture, but of also our cotton manufacture; for freight and handling, though something like constant quantities, constitute, in reference to variations of price, varying percentages. As a tariff in favor of home production, they are greater in their operative power when the fabric is ten cents per pound than they are when it is twenty cents. Their effective force as an incidental protection of our cotton manufactures becomes greatest when the price of cotton is the least. Under this point of view there can be no doubt that the high prices of raw cotton bear injuriously on our exports of cotton fabrics. And in corroboration of this deduction, the fact may be cited that, while our exports of manufactured cotton amounted in 1860 to about eleven millions of dollars, they fell off in 1864 to less than one million and a half. In 1871 they had not rallied to over three millions and a half—one-third of their value in 1860.

Our cotton manufactures have lost under high prices of raw cotton an income from exports to the extent of seven millions a year. The proof which that loss points gives it an aspect still more serious to the interests involved directly in the production of cotton fabrics. It represents them in an attitude, not of expansion into the healthy life which can strike out into competition with the world, but of the sickliness that shrinks from that struggle, under the withering influence of high prices, into the dangerous condition of industrial existence which holds its vitality by the uncertain tenure of "protection." And the cotton manufactures of the country have, therefore, lost not only seven millions of their income from exports under the operation of high prices of raw cotton, but they have entered under that operation on a footing that places their whole capital, so long as those high prices of the raw material hold, more or less at the mercy of oscillations in our political thought.

Wheat, flour, and Indian corn entered into our exports of 1860 to the amount of twenty-two millions of dollars. The consumption of those northern commodities in the cotton region having been arrested by the war, their export ran up from twenty-two millions in 1860, to seventy millions in 1861, to eighty millions in 1862. The wheat, flour, and Indian corn of the Western States, which were consumed in the cotton-region in 1860, may, therefore, be set down, in general, at between fifty and sixty millions of dollars. The pork, the beef, the manufactures of wood, iron, &c., that were sold by the States of the West to the cotton-producers of 1860, may be estimated at a very great amount when the consumption of western grain by these producers is seen in such strong evidence to have amounted to fifty or sixty millions of dollars. And thus, in addition to the general interest of giving out enormous amounts to our credit in our international account, does the reclamation of seven millions of acres of the "richest cotton-lands in the world," by the construction of the Mississippi levees, promise to give the Western States that best of all markets, a home market, for their breadstuffs and their manufactures to an amount that may be held to sum up a hundred and fifty millions of dollars per annum.

Water-power, though cheaper in first cost, is inferior for the uses of manufacture to steam. Cotton, being the lighter of the two materials, must go at the bidding of economy to that producer of steam—coal. And in seeking the coal best suited for its conversion, it will determine in favor, all things else being equal, of the coal nearest, easiest of access. Now, the reclamation of our immense areas of cotton-land on the banks of the Mississippi is, under this point of view, the initial step in an inevitable result—American supremacy in the production of cotton fabrics. With the raw material in unbounded supplies in one part of the river-system of the Mississippi basin, and in an adjoining part of that system abundance of coal, abundance of breadstuffs, abundance of labor, all the conditions of economical production concur in declaring the throne of a future empire in the manufacture of cotton fabrics to be seated on the coal-fields of the West. The wonderful developments of civic population and industrial wealth in Great Britain have taken place on her coal-measures under the drawbacks of supplies and markets thousands of miles away, and there can be no doubt developments still more wonderful in the concentration of population and the increase of riches will follow on the coal-measures of Ohio, Indiana, Illinois, Missouri, &c., when, with the consumption of a continent at the doors of their cotton-mills, the raw material can be brought to them at the low cost of transportation over five or six hundred miles of inland navigation, in the abundance of supply whitening seven millions of acres behind the levees of the Mississippi.

The nation cannot consent to palter with her duties.

* * * * *

NEW SERVITUDE FROM STEAMBOAT-WAVES.

The claim of the inhabitants of the delta for national aid rests upon much stronger grounds than mere prospective revenues and productions. These claims come in the form of reclamation. They are based upon the perpetual and ever-increasing attack upon the banks of the river and the levees by the passing commerce of no less than twenty-one States and five Territories, the most productive of the Union, that send their untold commerce down the river, and receive their imports in return. The steamers that transport this commerce send their resistless waves against banks and levees, lashing and abrading them almost without cessation. Our lower river hardly ever rests. One set of waves succeed another, and each finds its rest in the equivalent of its forces transferred to the banks and channel of the river. These lashings and abradings, independent of the other causes, render the task of levee-construction more and more oppressive yearly, until they have become intolerable. That this burden should be borne in part by those whose commerce attacks and batters them down is an axiom of equity.

MEASURE OF WAVE-FORCES ON BANKS.

Let it first be observed that the forces started by a steamer plowing the waters are chiefly lateral. The bow of the vessel and the paddle-

wheels throw up waves that cannot find movement except along the surface; and even when the paddle strikes downward, the displacement is lateral except at very short distances beneath the dip of the wheel. The force is felt downward only at the wheels or propeller, and these immediately re-act and run along the surface to the distant shores. And since the waters are indefinitely mobile among their particles, repose for displacement or violence can only be found against the walls of the channel. The total force exerted against the bank must be the same, whether diffused or concentrated, though the abrasions will be materially different. Forces are never lost, though their facility of transmission is greatest in water and least in solids, such as the river-bank. And since these banks are composed of material brought and laid down where they lie by these very waters, moving at a velocity of three feet per second, whenever the new forces brought to bear by greater velocity of wave or current attack these particles, they displace them and carry them down to lower lands.

Let us take an example. The steamer James Howard, of side-wheel construction and with 1,500 tons freight, passed up the river at near mean high-water gauge, at Carrollton, 12.5 feet, 3 feet below maximum. Her rate was about ten miles per hour against a current of four miles per hour, making a movement of her waves ten and four miles, equal to fourteen miles. The waves of practical value were oblique, 23° to her course on each side, and could be distinctly counted to about the fifteenth wave, and I added five for the confused, irregular waves that followed. Ten of these waves were nearly of the same height, and were measured by their rise on a rod and a drift-log that did not break them.

These waves averaged about 16 inches of height at 300 feet behind the vessel, and the remaining ten waves averaged less than half that height, say six inches. They were all delivered against the banks with the velocity of the steamer, plus the rate of the current, say fourteen miles per hour or 20 feet per second.

Without attempting to weigh this force by computing its dynamics from these data, we assume the tonnage of the steamer multiplied by her velocity gives the just practical result.

It is probable that the Howard's own tonnage is more than half her load, and that 2,300 tons would be the weight of boat and cargo. We have, then, 4,600,000 pounds delivered against the banks of the river at the rate of ten miles per hour, equal to 14.6 feet per second.

Now this force is repeated every length the vessel travels; and taking her length at 300 feet or 100 yards, the force is repeated 17.60 times in every mile. Thus the violence done to the banks and levees by one trip of the James Howard is measured by 4,600,000 pounds \times 14.6 seconds \times 17.60 for each mile of her travel. The aggregate force, then, that is abnormal, applied by this steamer, amounts in foot-pounds to 118,201,600 pounds = 60,000 tons.

These quantities are so enormous as to be unappreciable to the mind unless illustrated by some familiar example.

A levee of nine feet in height, by the recent formula of Humphreys and Abbot, with slopes of two and three to one, contains 1,200 cubic yards in every hundred feet, and 3,000 pounds to the cubic yard. The three hundred feet of levee, equal to the length of the James Howard, would weigh 10,800,000 pounds; *the force thrown against the levee or bank, each trip* by the passing boat would be $\frac{60,000 \times 118,201,600}{10,800,000} = 34,080,000$ pounds; *more than three times the weight of the whole levee!*

Owing to the tenacity of the soil and materials of the banks of the river, these banks *do* stand these forces, repeated fifty times a day under

many modified forms; and still they stand almost miraculously this fearful servitude.

But this is wholly abnormal, and chargeable to the commerce of the Mississippi Valley.

COMMERCE OF THE MISSISSIPPI RIVER.

It follows, from the conclusions of the last pages, that the entire tonnage of the river must be aggregated, in order to make up the account of the levees against the western country's commerce.

We are indebted to Judge W. M. Burwell, secretary of the New Orleans Chamber of Commerce, for the items relating to this commerce woven into this report.

TABLE I.

Arrived and cleared at New Orleans, 1871.

River-crafts.	Trips.	Approx. tonnage.
Steamboats.....	6,344	160,000
Barges.....		10,000
Coastwise and foreign sailships.....	1,041	150,000
Steamships.....	1,094	60,000
Mississippi barge-line, eight tugs and forty barges.....		32,000
Other barges on Mississippi and Ohio, exclusive of coal.....		32,000
Tonnage of vessels.....		444,000

TABLE II.

Products received.

	Tons.
Cotton, say 1,500,000 bales.....	375,000
Corn, say 4,000,000 bushels.....	121,000
Flour, 1,571,281 barrels.....	186,000
Tobacco, 25,000 hogsheads.....	28,000
Sugar, (home crop,) 140,000 hogsheads.....	154,000
Western provisions other than corn.....	50,000
Coal, (5,000,000 tons per flat-boats—make no waves, float on the current)...	
Other commodities—furniture, lumber, staves, lathes, hardware, iron, &c..	86,000
	1,000,000
Imports, \$20,000,000, estimated at one-fourth other receipts.....	250,000
Total freights.....	1,250,000
Total vessels.....	444,000
Total movement.....	1,694,000

Thus the tonnage transported on the Mississippi in 1871, by *vessels producing waves*, amounts in the aggregate to 1,694,000. Every ton and every pound of this freight sent its corresponding ton of wave against our banks, at an average velocity which, after some reflection, we have placed at six miles per hour = 8.8 feet per second.

To appreciate the effect of this prodigious force, we can but multiply the 1,964,000 tons by 8.8 feet per second, and it impels a force of 15,787,000 tons, running *currently* the entire line of our banks and levees of 2,000 miles, *every consecutive point receiving this force!*

It is incredible, thus, that in addition to the burdens the levees originally assumed of current lapse, and occasional wind-waves, the levees and banks of the Mississippi River should bear this servitude; and that the people who live along these river-fronts should be able to bear the burden of rebuilding and repairing them forever.

Certainly a portion of this burden should be now assumed by those whose commerce forever attacks and batters them down.

No power but that of the General Government can reach a case so ramified and touching the interests of people in so many States.

The cry for help comes up from a line of more than fifteen hundred miles of river-front levees, and from more than five hundred additional miles required; from the millions who cultivate in their rear, or stand ready to enter the fertile fields; from the six great States of Louisiana, Mississippi, Arkansas, Missouri, Tennessee, and Kentucky.

The response should be loud and prompt from every producer or citizen of the Mississippi Valley, invoking aid by national legislation to repair and build the walls of the channel of their untold commerce; for every barrel of apples, or flour, or potatoes; every sack of grain; every article of furniture; every plow, wagon, or engine that travels down that river on its way to market sends its continual wave to erode the Mississippi banks and levees.

The cause, then, is eminently national, and to this great nation we appeal, with confident expectation that its powerful arm, now released from all duties but those of peace, good will, enlightenment, and civilization, will at once be extended to the rescue of the noblest area of fertility ever redeemed for the habitation of man.

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JESSE F. MOORE AND CHARLES W. LEWIS.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. WALDRON, from the Committee on Ways and Means, submitted the following

R E P O R T :

[To accompany bill H. R. 2990.]

The Committee on Ways and Means, to whom was referred the bill for the relief of Jesse F. Moore and Charles W. Lewis, of North Carolina, submit the following report :

Jesse F. Moore and C. W. Lewis were partners in the tobacco trade under the firm of Lewis & Moore, and in the course of their business as peddlers, they separated, each taking with him a portion of their stock, and each one being provided with a peddler's license, and a permit showing that the tax had been duly paid on the tobacco.

Both licenses, however, had been issued in the name of C. W. Lewis; and while Mr. Moore was peddling in the State of Georgia, his tobacco was seized because the license which he held was in the name of his partner, and for the further reason that his permit was without seal.

The deputy collector, who issued the license and the permits, states that the permits had no collector's seals impressed upon them, but that they were genuine blanks, and that he believed, when he issued them, that they were good and sufficient in the shape in which they were issued.

The deputy collector, who issued the license, also states that the firm applied to him for a license in the name of the firm, but that he declined to issue them as requested, as he thought that a license issued to either member of a firm was good and sufficient for either member of said firm to peddle under.

It is admitted that all sums due the Government for tax or license were paid; that the parties acted in good faith; and that the tobacco was seized and sold in consequence of the erroneous judgment of the officers of the revenue.

The committee recommend that the amount which was covered into the Treasury, as proceeds of the sale of the tobacco, be refunded to the parties.

J. G. FELL ET AL.

APRIL 17, 1874.—Ordered to be printed.

Mr. J. B. HAWLEY, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred a bill (H. R. 63) and memorial for the relief of J. G. Fell and others, trustees of the Walnut Grove Mining Company, have had the same under consideration, and present the following report:

It appears, from the memorial referred to, that the Walnut Grove Gold Mining Company was organized on the 1st of November, 1864, by Joseph G. Fell, Edward Hoopes, and George Burnham, and that previous to this date the mines and lands belonging thereto belonged to George H. Vickroy, who went to Arizona in 1863, and became possessed, by purchase or otherwise, of said mines in the following year.

Mr. Vickroy states that, after he became possessed of the mines, he was urged and encouraged to bring a mill and the necessary machinery to develop them, and that, needing more capital to render the enterprise successful, he started East to procure it; but, as the settlers in that region were constantly harrassed by the Indians, he determined that it would be dangerous to risk much money there, unless he could obtain some guarantee of military protection. With this in view, he called upon General James H. Carleton, who was then in command of the troops in New Mexico and Arizona, and who resided at Santa Fé. At his request, the general wrote the following letter:

Copy of Gen. J. H. Carleton's letter.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, N. M., July 11, 1864.

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly-discovered gold-regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines, will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General, Commanding.

GEORGE H. VICKROY, Esq.

Having this in his possession, Mr. Vickroy proceeded to Philadelphia, Pa., to organize the Walnut Grove Gold-Mining Company. Seventy-seven thousand dollars were subscribed, with which he purchased a

quartz-mill, an engine, wagons, mules, harness, tools, provisions, &c. With these he started from Leavenworth, Kansas, on the 28th of February, 1865. What transpired after this is best told in his own words, taken from the memorial:

About August 1 we were attacked at Navajo Springs, in Arizona, and lost twenty-six mules. The train reached Prescott about September 1, 1865. Arizona had been transferred to the Department of the Pacific during my absence, and General Mason was then in command of the district. He gave me every assurance of military protection. My mill was the first in the Territory, and the whole community, as well as the civil and military authorities, were anxious to see it erected and in operation. I decided to put the mill on the Bully Bueno mine. *General Mason gave me twenty-one soldiers to escort the train to the mine.* The day after they joined the train the Indians attacked us, killed one man, and captured twelve mules. We were about two weeks in reaching the Bully Bueno mine, and had some fighting with these Indians every day.

About the 1st of September, 1865, we reached the mine and unloaded. On that day the Indians captured our entire beef-herd of twenty-two head of cattle. The next day the empty train started for Prescott, the escort accompanying it. When one mile from the mine, at Pine Flat, the Indians attacked us, killed one teamster, captured eight mules, and burned one wagon. The train reached Prescott, where the military escort was withdrawn. The train was then *en route* for Fort Mojave for feed. I applied for an escort, but was refused because of the scarcity of men.

On the road to Mojave the train was attacked at Hualapai Springs, where the Indians captured eleven mules. The next day, at Beall Springs, the Indians captured four mules and one horse. I loaded the train at Fort Mojave with barley and returned to Prescott.

On the military reservation at Fort Whipple we lost seven mules while unloading the train, and while in Camp Prescott, within two weeks of this time, we had about one hundred mules stolen by the Indians, but I cannot give the exact dates or the number taken each time an attack was made, but we lost about one hundred mules between November 15 and December 15, 1865.

At the mine I had started eleven men at work on the mill, who were attacked on the afternoon of October 4 and driven off. Some took refuge at Walnut Grove, and others at Prescott. I then employed a larger force, and again applied for troops to be stationed at the mill during that winter, as but few men could be engaged for that purpose, owing to the extreme danger, at that time, from the Indians.

During that winter we had about fifty mules stolen from the mills by the Indians, while our teams, which were freighting on the road from the Colorado River to Prescott, were frequently attacked by them and lost wagons and mules.

From the time I reached Arizona in September, 1865, until March, 1866, the Indians captured, in all, two hundred and seven mules, which had cost from \$200 to \$250 each, in Missouri.

On the 9th of February the Indians attacked our camp at Bully Bueno, drove off the men, killed two, and wounded one. General Mason sent over a surgeon and a company of troops, who remained about one week and were withdrawn. I then increased our force to about forty men and left them, coming to Philadelphia in May, 1866, and returned to Arizona about August 1.

During my absence the Indians had captured about twenty head of animals. In October, 1866, I sent from San Pedro, Cal., a train loaded with provisions, which was captured by the Indians at Agua Frio, ten miles from the Bully Bueno mine. Five teamsters were killed and about forty animals taken.

In November, 1866, I went to Philadelphia, and as all efforts to have a military camp established at our mill had failed, I went to see General Grant, at Washington, to whom I represented our situation, and who promised to instruct General McDowell (then commanding the Department of the Pacific) to extend such aid to us as was possible, and to establish a military camp at our mill. This was never done. During my absence at this period, Maj. E. W. Coffin was superintendent of the company's operations in Arizona.

At Los Angeles, Cal., in June, 1867, I bought about seventy head of mules and horses and six wagons, and loaded them with provisions and merchandise, and started them for Prescott. The train had trouble with the Indians all the way, and reached the mine after losing a number of animals. The day after their arrival the Indians captured every animal belonging to the company, and killed the herders. This caused a total suspension of operations, as we could purchase no teams in Arizona at that time. Major Coffin abandoned the enterprise and returned to Philadelphia, I having in the mean time remained in San Francisco.

On hearing of this disaster, I at once went to Prescott, and applied to General Gregg for soldiers to protect the property, but without result. I employed a force of men to guard the mill, and left them there during that winter, and came to Philadelphia.

During the following March, 1868, I returned to Prescott, and as the men I had left were unwilling to remain longer, I made an application to General Devin (then commanding the district) for soldiers, representing that I could not secure an adequate force of men to protect the property. He could spare no soldiers, so I employed thirteen men, which were all I could obtain for that purpose, and left the mill in their charge. We had about eleven head of mules and horses stolen by the Indians about this time, March 2, 1868, on the Hassayampa, while *en route* to Wickenburgh. The Indian troubles now became so great that we could not carry on operations, and our only object was to guard the property from destruction. These men remained in charge until July 9, 1869, when a large force of Indians attacked the premises and burned the mill, store-house, saw-mill, superintendent's house, boarding-house, blacksmith and carpenter shops, and stables, destroying the machinery, tools, and supplies, together with all the books, papers, and accounts.

The expense incurred by the company up to this time had amounted to \$292,800. I was their general superintendent from the time of its organization up to the time of the destruction of the mill.

I am well assured that this enterprise would have never been undertaken had it not been for the military protection which was promised, and I am satisfied that if that protection had been afforded my operations in behalf of the company would have been entirely successful.

GEO. H. VICKROY.

Subscribed and sworn to before me, January 6, 1872.

[SEAL.]

R. J. MEIGS, *Clerk*,

By R. J. MEIGS, Jr., *Assistant Clerk*.

This is the gist of the case as presented by the company, accompanied by affidavits of the value, or the supposed value and amount of the property said to have been destroyed; and upon these alleged facts, coupled with the assurance given by General Jas. H. Carleton of military protection, the company base their claim for re-imbursment by the United States of the full value of the property which is claimed to have been destroyed.

The following letter, from the Acting Commissioner of Indian Affairs to the Secretary of the Interior, accompanies the memorial of the company:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company, of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times, from August, 1865, to July 9, 1869, the loss being stated at \$292,800.

The papers in the case have been carefully examined in this office, and the conclusion reached that the claim is not without merit, is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employes, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties, as to the particular facts in each and every instance, seems to be impracticable, especially with reference to the loss of mules or "animals." Some of the items in the claim, such as "stock of goods and provisions, \$32,000," are without the support of sufficient proof, and in others the valuation is manifestly excessive. It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit purchased by him, consisting of a 20-stamp quartz-mill, 40 horse-power engine, 26 wagons, 268 mules and harness, provisions, tools," &c., cost about \$77,000. With this amount much material apparently is procured. Referring to the schedule of property, (accompanying the claim,) which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mil burned" is for the sum of \$118,000. A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickroy's statement as to the \$77,000 expended for quartz-mill and other property, and by allowing for costs of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof; and other charges, which should have been

itemized, or an invoice of the same furnished, are deemed to be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed, as set forth in the claim, is sufficiently proven, and recommend that the case be submitted to Congress for its action. In this connection it is proper to remark that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration, not having been presented within three years, is barred.

The letter of Mr. Vickory, and papers submitted by him, are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

After a full examination of the claim, the committee are constrained to report adversely, for the following reasons:

First. The claim is expressly barred by section 17 of a law of Congress, approved June 30, 1834, which provides that "unless such claim shall be presented within three years after the commission of the injury, the same shall be barred." This claim was not presented until January, 1872, and then not in a proper and satisfactory form. The last of the damages complained of occurred July 9, 1869, and the first on August 1, 1865; while the working of the mine was really abandoned in 1868, owing, as Mr. Vickroy states, to the increasing Indian troubles.

Second. Much stress is laid by the company upon the assurance of protection given by General James H. Carleton, then in New Mexico, to George H. Vickroy, while on his way to Philadelphia to organize the company. This assurance might have been of great value to Mr. Vickroy in enabling him to dispose of his property to advantage, and doubtless it had considerable influence in procuring subscriptions to the stock of the company; but this officer, or his successors, had no authority to bind the Government of the United States as security for a private enterprise to the amount of a single dollar. General Carleton doubtless intended to render all the protection in his power to the company; and there is every reason to believe that both he and his successors in command did protect their interests so far as the means at their disposal permitted. More than this they could not do, and General Carleton had no authority or power to involve the Government in any responsibility, save such as the laws of the United States recognized. If Mr. Vickroy, or the managers of the company, were ignorant of this fact, or desired to ascertain to what extent they could depend upon the protection of the United States troops, they were within a few hours' ride of Washington, and could easily have received all the information requisite before they issued a single share of stock or expended a dollar.

The committee, in view of the adverse report on the merits of the claim, do not deem it necessary to refer to the gross sum claimed by the memorialists, further than to say that they believe, from a careful examination of the various items, that it is far beyond the real value of the property destroyed.

The committee, therefore, report back the bill H. R. 63, and recommend that it do lie on the table.

J. G. FELL, EDWARD HOOPES, AND GEORGE BURNHAM,
TRUSTEES.

MAY 4, 1874.—Ordered to be printed and recommitted to the Committee on Claims.

Mr. LANSING, from the Committee on Claims, submitted the following

MINORITY REPORT:

The Committee on Claims, to whom was referred the bill (H. R. 63) and memorial for relief of J. G. Fell and others, trustees of the Walnut Grove Gold-Mining Company, ask leave to make the following minority report:

The memorialists, Joseph G. Fell, Edward Hoopes, and George Burnham, men of high standing and of untarnished reputation, of Philadelphia, state under oath that they invested in the purchase of goods, supplies, machinery, and necessary outfit, wagon-trains, and in the employment of men in the erection of buildings for store-rooms, business offices, dwelling-houses, mining-machinery, and in the purchase of material for said buildings, and in opening the mines in Arizona, and working the same, amounting in the aggregate to \$426,000. They further state that they would not have made this investment, or any part of it, had not ample military protection been guaranteed, which said guarantee is as follows:

Copy of General J. H. Carleton's letter.

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Sante Fé, N. Mex., July 11, 1864.

GEORGE H. VICKROY, Esq.:

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly-discovered gold-regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines, will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General Commanding.

They further state that on account of the failure of protection repeatedly promised, but never given, they lost by depredations committed by Apache Indians in Arizona Territory a large part of said property, between August 1, 1865, and July 9, 1869, amounting in the aggregate to \$292,800. This amount they swear is the actual cost paid for the property destroyed. They show that, in accordance with rule 4, adopted by the Secretary of the Interior, under the act of May 29,

1872, and estimating the price of the property where destroyed instead of where purchased, in accordance with said rule, that their losses would be \$110,099, instead of \$292,800, as stated.

They further state that on the 2d day of January, 1873, they made application to the Interior Department for compensation for said losses, and after a thorough examination, the following reports were made:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company, of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times, from August, 1865, to July 9, 1868, the loss being stated at \$292,800.

The papers in the case have been carefully examined in this office, and the conclusion that the claim is not without merit, is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employés, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties as to the particular facts in each and every instance seems to be impracticable, especially with reference to the loss of mules, or "animals." Some of the items in the claim, such as "stock of goods and provisions, \$32,000," are without the support of sufficient proof, and in others the valuation is manifestly excessive. It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit purchased by him, consisting of a 20-stamp quartz-mill, 40 horse-power engine, 26 wagons, 26 mules and harness, provisions, tools, "&c.," cost about \$77,000. With this amount much material apparently is procured. Referring to the schedule of property, (accompanying the claim,) which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mill burned is for the sum of \$118,000." A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickroy's statement as to the \$77,000 expended for quartz-mill and other property, and by allowing for cost of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof; and other charges, which should have been itemized, or an invoice of the same furnished, are deemed to be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed as set forth in the claim, is sufficiently proved, and recommend that the case be submitted to Congress for its action. In this connection it is proper to remark, that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration not having been presented within three years, is barred.

The letter of Mr. Vickroy, and papers submitted by him, are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 14, 1873.

SIR: I have the honor to transmit herewith, as required by the seventh section of the act making appropriations for the Indian Department, approved May 29, 1872, the claim of the Walnut Grove Mining Company, of Arizona, amounting to \$292,800, on account of depredations committed by Apache Indians between August 1, 1865, and July 9, 1869.

The seventeenth section of the trade and intercourse act of 30th of June, 1834, requires that application for compensation for depredations shall be made to the proper superintendent, agent, or subagent within three years after the commission of the injury, otherwise the claim shall be barred.

The peculiar condition of affairs in Arizona, it is alleged, prevented a compliance with the requirements of said section.

From an examination of the papers, this Department is satisfied that the claim possesses merit, and it is respectfully submitted with the recommendation that it receive the favorable consideration of Congress.

Very respectfully, &c.,

B. R. COWEN,
Acting Secretary.

HON. JAMES G. BLAINE,
Speaker of the House of Representatives.

They further state that at the time they presented their claim for settlement they were, on account of the destruction of their books and papers, and their inability to find many of their employés, unable to make a complete statement of their losses, but have since learned that they greatly understated their absolute losses to the amount of \$117,299.

Your committee, after a careful examination of the various items, and the gross amount claimed, believe and state that they are fully sustained by the proof, every statement made pertaining to them being made under oath, and made by persons cognizant, and living witnesses of the facts stated by them; that the proof of items reported by the Commissioner as insufficient, has subsequently, at great expense, been furnished, so that your committee are fully satisfied that the proof of the losses sustained is ample.

The act of June 30, 1834, referred to by the Secretary of the Interior in his report, requires that application for indemnity shall be presented to the superintendent, Indian agent, or subagent within whose jurisdiction the tribe committing the depredations belongs, and the reference in said report that the peculiar condition of affairs in Arizona prevented a compliance with the requirements of said law, means, as stated by the memorialists, under oath, that "there was no officer in Arizona before whom their claims could have been presented within the specified time;" and the law of May 29, 1872, provides that the Secretary of the Interior shall prepare and publish rules and regulations for the presentation of claims; and the Secretary did not promulgate rules in pursuance of said law until July 13, 1872. Therefore, there being no officer in Arizona to whom the claim could be presented within the time specified, before the passage of the act of May 29, 1872, and the claim having been presented January 2, 1873, and the Secretary not having promulgated the rules until July 13, 1872, your committee submits that the claimants cannot be considered *in laches*.

Your committee calls the attention of Congress to the fact that, at the time this great enterprise was undertaken, the Territory of Arizona had been recently organized, and the great desire and anxiety of the inhabitants of the sparsely-settled country, and of all the officers of the Territory, civil and military, was expressed in its favor; that the mines were known to be fabulously rich, and it was confidently believed that the introduction and successful prosecution of such an enterprise would induce a large emigration, rapid growth and development of the country. And your committee calls the attention of Congress to the fact that at this time the Territory was under martial law; that General Carleton, then in command, exercised supreme control over that whole country, and was the recognized authority there. He made war and peace with Indian tribes, built military posts and forts, and carried on the whole machinery of the civil and military government, and every act of his was indorsed and approved by the General Government, and while thus exercising supreme control, he announced officially that he had inaugurated a campaign against the Apache Indians that would result in their complete subjugation, and that this enterprise should be fully protected

by the military; and they made this large expenditure of money, and went to Arizona to prosecute this great enterprise at the invitation of the Government, and with this guarantee of protection.

But, instead of protecting this large property, as he promised to do, and which he had a perfect right to do, and as it was his solemn duty to do, he permitted the Indians to kill the employes and to destroy more than \$292,800 worth of their property.

On a rigid examination of the case, your committee are unable to find any dereliction on the part of the company, or where they were in a single instance at fault; and your committee considers it in bad faith on the part of the Government, and unjust to the claimants, to refuse compensation for the losses sustained, and therefore recommended the passage of the accompanying bill.

W. E. LANSING.
M. H. DUNNELL.
D. A. NUNN.

C

C. N. FELTON.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. J. Q. SMITH, from the Committee on Claims, submitted the following

REPORT

[To accompany bill H. R. 977.]

The Committee of Claims, to whom was referred a bill (H. R. 977) for the relief of C. N. Felton, late assistant treasurer of the United at San Francisco, Cal., have had the same under consideration, and present the following report :

It appears from the sworn statements of the said Felton, and of F. G. Bornemann, Ed. St. John Bellows, and S. E. Beaver, his cashier, book-keeper, and assistant cashier in the assistant treasurer's office, that on the 8th of December, 1868, two checks, amounting to \$9,930, and purporting to be drawn by General D. R. Dandy, acting quartermaster, were presented at that office for payment. The signatures were compared with the original in the office and believed to be genuine, and the checks paid. When subsequent checks of General Dandy arrived, overdrawing his account, it was then first suspected that the former ones were forgeries, and on reference to General Dandy they were so pronounced. Felton and the three above-mentioned subordinates testify that the signatures of the forged checks were almost, if not quite, *fac-similes* of the original, and such as to almost defy detection, and the same is certified to by experts in San Francisco, J. Clem. Uhler and Wm. Cunningham, paying and receiving tellers of the London and San Francisco Bank; F. H. Morrison, paying-teller Bank of California; H. McPherson, cashier, Wells, Fargo & Co.'s Bank; and Geo. C. Hickox, of Hickox & Spear, bankers—all of whom declare that had the forged checks been presented to them in the ordinary course of business, they should have unhesitatingly paid them. The ability, care, and fidelity of Mr. Felton and of his subordinates, are strongly testified to by C. Clayton, surveyor; G. W. Bowie, naval officer; and O. H. La Grange, superintendent of United States branch mint at San Francisco; and the sworn statements of Mr. Felton and his subordinates show that, notwithstanding the unusual risks of paying the checks of disbursing officers from Alaska to Arizona, drawn under varying circumstances and far removed from convenient verification, there was in no other instance any loss from peculation of clerks or frauds of others, during his four years' incumbency; while ten different forgeries had been detected in time to prevent loss.

Hon. Geo. S. Boutwell, then Secretary of the Treasury, under date of December 6, 1872, states that the checks were paid without any negligence on the part of Mr. Felton or his employés, and that Mr. Felton has refunded the amount, upon directions from the Department; and he recommends his re-imbursement.

Your committee, therefore, report back the bill and recommend that it do pass.



JAMES ATKINS.

APRIL 17, 1874.—Ordered to be printed.

Mr. BURROWS, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred the petition of James Atkins, late collector of internal revenue for the fourth district of Georgia, have had the same under consideration, and beg leave to submit the following report:

The claimant sets forth in his petition that, in the months of August and September, 1870, while holding the office of collector of the fourth district of Georgia, one of his deputies, Michael S. Whelan, collected the sum \$8,007.72, revenue-tax, and never accounted for the same to said claimant, and that he ought in justice and equity to be relieved from liability therefor.

Whelan admits the collection of, and failure to account for, the said sum of \$8,007.72, and assigns as a reason for such defalcation the following:

"That, on the evening of Saturday, the 24th of September, 1870, after an extended collection-tour, during which time he collected said money, he reached Marietta, Ga., but too late to forward the same to Atlanta, the headquarters of the collector, that night, the trains having all left before his arrival; that feeling great solicitude about the matter, there being no bank in Marietta, he carefully concealed the money in a trunk, near his bed, intending to forward the same Monday morning; that when he opened the trunk on Monday morning he found the lock broken and the money gone. He immediately gave the alarm and search was made, but nothing could be heard of the missing package, until a negro boy, staying about the house, was arrested by the deponent, when said negro boy admitted that he entered the bed-room of deponent, or rather kept watch while one Jeff Harris entered the room, and with a railroad-spike and hatchet opened the trunk and extracted the money; that the money was secreted in the bed-tick of the mother of Jeff Harris, until an old negro man, by the name of Charles, removed it; that Charles immediately escaped and is reported dead; that deponent did all in his power to recover the money, but the plans of the burglars were so well laid that his efforts proved unavailing."

Without stopping to inquire whether the deputy collector, Whelan, or the negro stole the money, your committee fail to see upon what principle the petitioner is entitled to relief. If the Government is to relieve collectors from the defalcations of their deputies, we shall very soon need a further increase of currency to meet the demands upon the public treasury. Collectors appoint their own deputies, and it is their misfortune and negligence if they fail to take such security as will fully protect them from the dishonesty of their subordinates. Certainly the Government should not be called upon in such cases to bear the loss.

Your committee, therefore, report the petition back to the House, with the recommendation that it lie on the table.

MORTIMER H. BROWN.

APRIL 17, 1874.—Ordered to be printed.

Mr. BURROWS, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred the memorial of Mortimer H. Brown, have had the same under consideration, and beg leave to make the following report :

It clearly appears from the evidence in this case and from Treasury settlement No. 5074, that in December, 1870, there was awarded to one Moses Brown, the father of this claimant, the sum of \$2,519.15 as damages sustained by him by reason of the loss of the steam ferry-boat Nathan while in the military service of the United States, in which boat the said Moses Brown had a one-quarter interest.

That after said allowance was made, and before payment thereof, the Treasury Department was informed by the Quartermaster-General of the United States that his Department had a valid and subsisting claim against the said Moses Brown for the sum of \$1,947.83 for forage issued by the Quartermaster's Department to sundry horses and mules belonging to the said Moses Brown.

That thereupon the Treasury Department withheld and deducted from said allowance of \$2,519.15 the sum of \$1,947.83, and paid the balance, viz, \$561.32, to the claimant.

The claimant, Mortimer H. Brown, now asks that he be allowed and paid the said sum of \$1,947.83 withheld as aforesaid, on the ground that his father, Moses Brown, was not indebted to the United States in such sum or in any sum whatever, and that such deduction was wholly unjust.

The case presents this single question, whether Moses Brown was indebted to the United States for forage in the sum of \$1,947.83, and whether that indebtedness still subsists. If it does, the deduction was proper; if it does not, the claimant is clearly entitled to relief.

Without reviewing the evidence in the case, it is sufficient to say that all the records in the Quartermaster's Department go to show that the said Brown received forage from the United States Government, and that the Treasury Department justly withheld the same as due to amounting in value to the sum of \$1,947.83, and that he never paid for it, the United States from the said Brown. Your committee see nothing in the evidence to induce them to interfere with the decision of the Treasury Department, but everything to commend its action.

Your committee, therefore, report the memorial back to the House with the recommendation that it do lie on the table.

RICHARD DILLON.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. HAMILTON, from the Committee on Claims, submitted the following

REPORT :

[To accompany bill H. R. 2991.]

The Committee on Claims, to which was referred the memorial of Richard Dillon, late captain, brevet major, and assistant superintendent of Refugees, Freedmen and Abandoned Lands, for subsistence while in the discharge of his official duties, report :

That it appears by the certificate of the chief quartermaster and disbursing officer for Bureau of Refugees, Freedmen and Abandoned Lands for the State of North Carolina during the years 1866, 1867, and 1868, Thomas P. Johnston, brevet lieutenant-colonel, that the said superintendent, Richard Dillon, during said years 1866, 1867, and 1868 was traveling and absent from his station in the discharge of his official duties 125 days, and that he had not been paid for subsistence during said days. The memorialist asks to have an allowance of \$3.50 per day to re-imburse him for his subsistence while on such duty. The committee being satisfied that the memorialist is entitled to be re-imbursed, and that the amount claimed is reasonable, report the accompanying bill, making allowance for the amount claimed, \$437.50; the amount incurred for subsistence not having been paid because the Bureau was disbanded and the appropriations therefor exhausted before the memorialist was able to obtain the account audited.

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CHARLES J. SANDS.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. EDEN, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1206.]

The Committee on Claims, to whom was referred the bill (H. R. 1206) for the relief of Charles J. Sands, have had the same under consideration, and ask leave to report :

That on the 11th day of September, 1865, Mr. Sands was appointed marshal of United States consular court at Chinkiang, China; that immediately thereafter he engaged passage, and paid for the same, on the 5th day of October, 1865, in the ship W. B. Palmer, the first vessel in which he could obtain passage that sailed from the United States to China after receiving his passport; that he sailed from New York December 20, 1865, having been detained without his fault; that on the 5th of October, 1865, Mr. Sands notified the Department that he had engaged passage on a vessel to sail about the 1st of December ensuing; that he took passage with Mr. Kinerman, who had been appointed consul to the same place; that an account was presented to the Treasury by Mr. Sands covering the time between September 15, 1865, and May 28, 1866, and it was allowed, except for the period of delay while awaiting the sailing of the vessel, (viz, from October 5 to December 20, 1865.)

Mr. A. B. Wood, of the First Consular Bureau of the State Department, under date of March 31, 1874, in reference to this claim says :

No reasons were given for disallowing salary for the time of delay; but as the account was acted upon by the Department on the same day as that of the consul for a similar charge, the reasons may have been the same. The grounds for allowing the consul's account apply equally well, it seems to me, to the marshal's.

It may be said that the consul also presented, at the same time with Mr. Sands, an account for the time covered by the delay while awaiting the sailing of the vessel, which was at first disallowed on the ground that the delay was too long and that he should have sought some quicker means of getting to his port. Subsequently, however, this decision was reversed by the examiner of claims and he was allowed pay for that period as a part of his transit out.

The delay in sailing seems to have been without the fault of Mr. Sands, and there was no pressing necessity for his going out in advance of the consul. The salary of the consul having been, in the opinion of the committee, properly allowed, covering the period of the delay, and the position of the marshal being precisely similar, they, therefore, report back the bill, with a recommendation that it do pass.

M. W. VENNING.

APRIL 17, 1874.—Ordered to be printed.

Mr. G. W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT:

The Committee on War-Claims, to whom was referred the petition of M. W. Venning, of South Carolina, having considered the same, report:

That this claim is for property taken and appropriated by the United States Army during the late war, and for fourteen bales of sea-island cotton taken by a United States naval expedition from him at Sanders's landing, near Charleston, S. C., in February 1865, taken to the eastern district of Pennsylvania, where it was confiscated and sold as prize of war. Application was made to the Secretary of the Treasury to remit the forfeiture, which was refused. The claim was then presented to the commissioners of claims appointed under the act of March 3, 1871, whose report, rejecting the same, is herewith given:

To property taken and appropriated by the Federal Army as per inventory, dated September 11, 1869.....	\$4, 873
Fourteen bales prime sea-island cotton, 4,224 pounds, at \$2 per pound.....	8, 448
Total.....	13, 321

This claim is submitted upon the petition and accompanying papers from the files of the Treasury Department.

In February, 1865, the naval forces of the United States captured at Sanders's Landing, on a tributary of N—— River, near Charleston, S. C., a boat laden with fourteen bales of cotton, which petitioner claimed as his property. The boat being unseaworthy was returned to the petitioner. The cotton was sent into the eastern district of Pennsylvania, where it was confiscated and sold as prize of war. Application was made by petition to the Secretary of the Treasury to remit the forfeiture. Remission was refused.

With regard to the property alleged to have been taken and appropriated by the Federal Army as per inventory, dated September 11, 1869, amounting to \$4,873, no allusion whatever is made to it except in the petition.

Without examining the papers for satisfactory evidence of the loyalty of the claimant the claim is wholly rejected; the cotton because this commission has no jurisdiction whatever of the claim, and the property mentioned in the inventory, dated September 11, 1869, for want of proof.

(M. W. Venning appears to have been a subscriber to the Confederate loan.)

True copy of report:

CHARLES F. BENJAMIN,
Clerk, Commission of Claims.

WASHINGTON, December 16, 1871.

From a statement made by Mr. Edward F. O'Brien, formerly a lieutenant in the Union Army, now a clerk in the Post-Office Department, it appears that he was, for a year and a half during the late war, pro-

vost marshal stationed at Mount Pleasant, S. C., where Mr. Venning then resided and still resides, and he states most emphatically that Mr. Venning was not only disloyal, but that he was conspicuously and offensively disloyal.

Your committee are of opinion that the evidence submitted sustains the charge of disloyalty, and they accordingly report back the petition and accompanying papers with the recommendation that the same do lie on the table.

DANIEL F. DULANY.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. GERRY W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT :

[To accompany bill H. R. 1627.]

The Committee on War-Claims, to whom was referred the bill (H. R. 1627) for the relief of Daniel F. Dulany, having considered the same, report :

That the said Dulany was during the war a citizen of Virginia, residing near Alexandria; that he remained true and loyal to the Union cause, and was captured by a squad of confederate guerrillas, under command of Colonel Moseby, while in the United States service as a scout, and taken to Richmond; that the property for which compensation is claimed was destroyed soon after the first battle of Bull Run, the particulars of which are as fully described as could be ascertained in the report of the board of survey, appointed at the time to ascertain the damages sustained by Mr. Dulany, as follows :

To Col. E. D. Keyes, commanding First Brigade Connecticut Volunteers :

The board of officers appointed under special orders No. 25, by Brigadier-General Tyler, of date 6th July, 1861, to assess damages done to various property occupied by the First, Second, and Third Connecticut Regiments; the Second Maine Regiment; Company I, Eighth Regiment New York Volunteers, and Company B, Second Cavalry, respectfully report that they have made personal examination of the lands and of the parties in the following cases and find
Daniel F. Dulany. Amount claimed, \$1,321; amount allowed, \$555. This is a case where considerable damage has been done most wantonly, but by whom cannot be ascertained. It was done in the early part of the arrival of troops, and about the time of the capture (at or near the house) of two non-commissioned officers of the Second Connecticut Regiment. The house had been broken open and rifled, and furniture damaged.

Family paintings, &c., destroyed : Three large family oil paintings; one destroyed by cutting out the face, two carried away Their value to the owner cannot be estimated. As specimens of art they are valuable, being very old and well executed. Also, a number of inferior ones taken, all estimated at...	\$200
Furniture broken, of not very great value, being quite old.	35
Library carried away : About 250 miscellaneous volumes, destroyed or carried away	35
Clothing and bedding, &c. : The clothing appeared to be of value, being clothing principally of his daughters, including new cashmere shawl, worth \$50, silk dresses, and jewelry	225
Trunks broken open : Miscellaneous contents and some second-hand clothing....	50

Loss of corn-crop : About 7 acres, bearing from 20 to 25 bushels to the acre, being outside the line of pickets, and his hands not being allowed to cultivate it. It was partially destroyed by cattle, &c., but can be renovated..... \$10

555

DAN. YOUNG,
Lieutenant-Colonel Second Regiment Connecticut Volunteers,
FREDERICK FRYE,
Captain Company K, Third Regiment Connecticut Volunteers,
S. F. COOKE,
Captain Company F, Second Regiment Connecticut Volunteers,
Commissioners.

True extract.

M. I. LUDINGTON,
Quartermaster, United States Army.

Ex-Governor Wells, of Virginia, who was during the years 1862-'63-'64-'65 provost-marshal-general of the defenses south of the Potomac, with headquarters at Alexandria, states as follows :

I know personally Col. D. F. Dulany. He was during the war a man of undoubted fidelity and loyalty to the United States. He was captured by Moseby and taken to Richmond, but before and afterward he acted as a scout and guide for our Army.

The following statement is also made by officers on duty in and near Alexandria during the period above given :

WASHINGTON, D. C., April 13, 1874.

We, the undersigned, James A. Tait and Lemuel Towers, ex-colonel and ex-lieutenant-colonel of the First District of Columbia Infantry, in the service of the United States, were well and familiarly acquainted with Col. Daniel F. Dulany, of Virginia, during the years 1862, 1863, and 1864, who was then upon the staff of Governor Pierpoint, of Virginia, (James A. Tait was part of the said time provost-marshal-general south of the Potomac, and Lemuel Towers, provost-marshal of Alexandria, Va.) and had every facility to know, and do know, that Colonel Dulany was an active, energetic, and decided Union officer. And we further state that he was of great use to the Government, from his knowledge of the persons and their positions then in the rebellion in the State of Virginia, which knowledge, together with his personal services, he was ready at all times to give to the cause of the Union. We know that he was taken prisoner by a portion of Major Moseby's force and carried to Richmond, Va. We are willing to appear before any authority investigating this matter, and give a more full and particular statement of the facts in this case if required.

JAMES A. TAIT,
Late Col. First District of Columbia Infantry.
LEM. TOWERS,
Late Lieut. Col. First District of Columbia Infantry.

While it may be true that the Government is under no legal obligation to re-imburse, in part, Mr. Dulany for the losses he has sustained, a moral obligation undoubtedly exists, and your committee regard his case as one possessing strong equity, and therefore report back the bill and recommend its passage.

GEORGE COWLES.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2992.]

The Committee on War-Claims, to whom was referred the bill (H. R. 2320) for the relief of George Cowles, having considered the same, report:

That this claim is for the value of the schooner *Champion*, the property of the said Cowles, which was taken from him in the year 1863, by the United States naval authorities, while he was endeavoring to arrange for protection of the said vessel by said United States authorities, the same being used by the United States until the close of the war; for use of a store by the Medical Department of the United States Army, from April to August, 1865, and for one horse taken from him by General Wilson in his raid through Alabama.

The loyalty of the claimant is clearly established by conclusive evidence, from which it appears that he was a native of Connecticut; that he removed to Alabama in the year 1836, where he remained in the dry-goods business until March, 1864, most of the time in the city of Montgomery; and that he was then, in consequence of his Union sentiments, obliged to leave the city.

It further appears that he aided and befriended many Union prisoners of war; that he gave them freely of his own means to relieve their necessities; and that he aided in the escape of many of said prisoners.

It also appears that the said Cowles, in company with other northern men, purchased the schooner *Champion*, then lying in the Chattahoochie River, Florida, with the view of putting their available means in such shape as to readily convert them into cash after escaping from the confederate lines; it being their intention also to load the said schooner with cotton, then at a point farther up the river from the point where the vessel was lying. Their departure was delayed by the confederate authorities, who suspected them, and Cowles became the sole owner of the schooner some time afterward.

It is also shown by the evidence that the schooner was seized by Lieutenant Creecy, of the United States fleet, who anticipated its seizure by General Asboth, then commanding the Union forces at Fort Pickens, who appears to have acted on suspicion merely, there being nothing to warrant any other conclusion than that Mr. Cowles was a loyal citizen of the United States, who was endeavoring to escape from the confederacy with such property as he could take with him; the seizure being made while he was negotiating with the Union forces for protection of his said property.

The evidence submitted establishes the value of the schooner at \$7,500; the use and occupation of the store, at \$875; and the value of the horse, at \$250, making, in all, the sum of \$8,625, which is all that your committee believe should be paid. The balance of the claim, amounting to the sum of \$24,464.95, which consists of cotton destroyed by the Union forces under General Wilson to prevent its falling into the hands of the enemy, and for damages to his store, destruction of account-books, in which were charged debts alleged to amount to nearly \$80,000, of which it is claimed at least one-eighth could be collected, your committee reject, said losses being in the nature of casualties of war which your committee regard as not creating a legal obligation upon the Government to pay.

Your committee believe the claimant to be entitled to compensation for the schooner Champion, for the use of his store by the Medical Department of the United States Army, and for a horse taken by order of General Wilson, and therefore report the accompanying bill as a substitute, and recommend its passage.

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CORA A. SLOCUMB AND OTHERS.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War Claims, submitted the following

REPORT:

[To accompany bill H. R. 2993.]

The Committee on War Claims, to whom the memorials of Mrs. Cora A. Slocumb and her daughters, Mrs. Richardson and Mrs. Urquhart, were referred, respectfully report:

That in July, 1862, Mrs. Slocumb applied to General B. F. Butler, then commanding the military district in which New Orleans was situated, for permission to leave that city with her two daughters, Miss Ida Slocumb, (now Mrs. Richardson,) and Mrs. Urquhart, and retire to a country-seat in the mountain-region of North Carolina, where they were in the habit of spending their summers. The permission was granted, and the general also promised that the property owned by these parties in the city, consisting mostly of valuable real estate, should not be interfered with during their absence. Relying on this promise and availing themselves of this permission, the parties left the city and took up their residence in their home in the country.

As long as General Butler remained in command, the pledge thus given by him was strictly observed, and the property of the above-named parties remained undisturbed. But General Butler was shortly after succeeded by General Banks in the command of the district, and about the 1st of August, 1862, a general order was issued by the latter, under which all the real estate owned by the above parties was (no doubt, through ignorance of the pledge given by his predecessor) taken possession of by his quartermaster. A portion thereof was used for various military purposes, and the residue was turned over to B. F. Flanders, the supervising special agent of the Treasury in that city; the rents thereof were collected by him, and were duly accounted for to the Treasury Department.

Some time after, to wit, about the 15th of March, 1864, a number of shares in the New Orleans Gaslight Company, belonging respectively to Mrs. Slocumb and her daughter Ida, were also seized by the quartermaster, who received two dividends thereon, amounting, on the stock of Mrs. Slocumb, to \$468, and on that of her daughter, to \$504.

On being informed of these facts, Mrs. Slocumb made repeated applications for permission to return thereto; but this permission was refused,

and all the parties remained in their country-seat above mentioned until the close of the war, without in any manner participating therein.

At the close of the war, however, their property was restored to them under an order from the President. This restoration took place on or about the 1st of September, 1865.

Finally, on or about the day of 1864, the sum of \$14,300, which was due to Miss Ida Slocumb, (now Mrs. Richardson,) by the Merchants' Mutual Insurance Company, for the loss of several buildings insured in that company, was seized under a special order from General Banks, and paid by the company to Captain McClure, acting quartermaster.

Your committee entertain no doubt that the money thus collected should be returned to the petitioners. The proceedings by which the money was taken and appropriated were not authorized by any law, (see 16th Wal. Rep., 485,) but they were a violation of the terms of capitulation, and of a pledge given by the officer in command. The memorialists, therefore, are clearly entitled to relief.

The amount of money collected belonging to Cora A. Slocumb is:

Rents collected (less expenses).....	\$12,246 40
Dividends Gaslight Company collected	468 00
	<hr/>
	12,714 40

The amount of money collected belonging to Ida A. Slocumb (Richardson) is:

Rents collected (less expenses).....	\$5,675 00
Amount of insurance collected	14,300 00
Dividends Gaslight Company collected	504 00
	<hr/>
	20,479 00

The amount of money collected belonging to Mrs. Carolina Augusta Urquhart:

Rents collected (less expenses).....	\$5,467 15
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The committee, therefore, report the accompanying bill providing for the re-inbursement of the above parties of the sums belonging to them, respectively, which were collected by agents of the Government, and were paid into, or accounted for to, the Treasury Department, less certain expenses incurred, and recommend its passage.

The memorialists also ask for compensation for the use of such portions of their real estate as were applied to public uses, and for personal property taken also for that purpose, and which was either lost or very much damaged. But as this portion of their claim rests, in a great measure, on oral and *ex-parte* testimony, or on documents not sufficiently authenticated, the committee think that if any claim exists in their favor on this part of the petition it should be referred to the Court of Claims for a decision on this portion of their demand.

NORMAN WIARD.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. KELLOGG, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 609.]

The Committee on War-Claims, to whom was referred bill (H. R. No. 609) for the relief of Norman Wiard, having had the same under consideration, report:

That this claim grows out of certain contracts made with the Ordnance Bureau of the Navy Department for furnishing fifty-pound, fifteen-inch, and seven-and-one-half-inch guns; certain batteries known as the "Frémont batteries;" two steamers known as the "Augusta" and "Savannah;" and for repairs and alterations, made by order of Major-General Butler, furnishing new boilers, machinery, &c., for the steamers "Foster," "Reno," "Burnside," and "Parke."

The claim has been before Congress for eight years, has been examined by several committees of each House of Congress, and has never been adversely reported upon except as to the item of the "Frémont batteries," and the following statement is believed to be correct as showing the action of Congress and of congressional committees thereon.

On the 27th of July, 1866, 1st session 39th Congress, the House Committee on Military Affairs reported a bill, H. R. 818, appropriating the sum of \$25,511.12 for the last-named portion of the claim, and the bill passed the House that session. In the next session it was referred to the Committee on Claims, and was reported by Mr. Frelinghuysen, from that committee, without amendment, (see Senate Report 172, 2d session 39th Congress,) but was not acted upon by the Senate.

On the 13th of January, 1869, a bill was reported in the House (3d session 40th Congress) from the Joint Select Committee on Ordnance, appropriating the sum of \$125,848.49. This Joint Select Committee consisted of Senators Howard of Michigan, Cameron of Pennsylvania, and Drake of Missouri, on the part of the Senate; and Messrs. Schenck of Ohio, Logan of Illinois, and Butler of Massachusetts, on the part of the House; and the same bill was presented in the Senate, but being at the close of the 3d session, had no action in either House.

On the 28th of February, 1871, a bill was reported from the Committee on Claims of the House of the 41st Congress, of which Hon. W. B. Washburn, now governor of Massachusetts, was chairman, appropriating the sum of \$113,942.65; but no action thereon was taken, it being at the close of that session of Congress.

On the 24th of May, 1872, a bill was reported from the Committee on

Claims of the House of the 42d Congress, by Mr. Frye, appropriating the same sum, viz: \$113,942.65, which passed the House January 25, 1873; was referred in the Senate to the Committee on Military Affairs, and on the 21st of February, 1873; was reported favorably from that committee without amendment and placed on the calendar, where it was reached but once, when, a single objection being made, it was passed over.

The Committee of Claims of the 42d Congress (See Report No. 87, 2d session 42d Congress) reviewed, approved, and adopted the report of the Committee of Claims of the 41st Congress, in which it is stated that a careful examination of the same had led the committee to the same results as arrived at by the committee first named.

Your committee have carefully examined the same, together with the report of the Joint Select Committee on Ordnance, and believing it desirable to again have the facts presented in full, adopt and annex the same and make it a part of this report, (marked "Appendix A.") and, concurring in the conclusions therein reached, report back the bill and recommend its passage.

APPENDIX A.

[House Report No. 87, 42d Congress, 2d Session.]

MAY 24, 1872.—Ordered to be printed.

MR. FRYE, from the Committee of Claims, made the following report: [To accompany bill H. R. 334.]

The Committee of Claims, to whom was referred "A bill for the relief of Norman Wiard," have given careful consideration to the same, and ask to report:

That these claims were presented to the Forty-first Congress, and a report was made in regard to them by the Committee of Claims, on the 28th of February, 1871. As the examination by your committee has led them substantially to the same results with those arrived at by the committee of 1871, they do not think it necessary to recapitulate the facts, but refer to that report, and therewith annex a copy for information. Your committee recommend that the bill referred to them do pass.

FORTY-FIRST CONGRESS, THIRD SESSION—REPORT NO. 43.

MR. A. COBB, from the Committee of Claims, made the following report:

Norman Wiard presents a claim against the Government growing out of certain contracts made with the Ordnance Bureau of the Navy Department.

Nearly all the claim as now presented was made the subject of a favorable report from the Ordnance Committee of the House of Representatives, offered by Mr. Schenck March 2, 1869, accompanied by a bill, (awarding \$125,848.49,) which passed the House the same day. (See Congressional Globe, 3d sess. 40th Congress, Part III, p. 1815.)

But before the bill passed by the House was acted upon by the Senate, a "letter" was addressed to the President of the Senate by the Secretary of the Navy, on the 31st day of March, 1869, purporting to transmit all the documents on file in said Department relating to the contracts with Wiard, and among them a letter from the Chief of the Ordnance Bureau, alleging that Wiard did, in November, 1865, make final settlement of all claims against that Department, and give a receipt therefor.

It is therefore necessary to inquire, in advance, into the reasons of such alleged settlement.

An examination of the papers furnished by the Navy Department, in support of this allegation, shows that about the time last mentioned Mr. Wiard presented a bill to the Ordnance Bureau, amounting to \$6,223.05, being mainly for metal used in an imperfect casting of a large gun; that Captain Wise appears to have cut down the bill to the sum of \$4,085, which he admitted to be due upon that bill, but refused to pay the amount so admitted to be due unless Mr. Wiard would agree to receive the same in "full and final settlement of all his claims, of whatsoever nature, against the Navy Department."

Mr. Wiard appears to have given a receipt in the terms required. But it also ap-

pears, from the documents accompanying the Secretary's letter, that he was urged by pressing want to apply to the Bureau for relief; and that with the above bill he sent a letter, in which he protested against the official construction of an agreement to which he was compelled unjustly to submit, and by reason of which the said bill was unwillingly presented to the Navy Department for settlement.

It is only necessary to make this brief statement of the circumstances under which the receipt was given, to show that it can have no effect beyond the particular bill to which it is appended.

We come, then, to a detailed statement of Mr. Wiard's claim.

I.—50-POUNDER GUNS.

First, as respects the date of agreement, is the claim for the price of certain 50-pounder rifle-guns.

It appears that as early as August, 1861, Mr. Wiard was in correspondence with the Ordnance Bureau of the Navy Department in relation to the construction of large guns.

After several conferences with Mr. Wiard, and some offers on his part, the following letter was addressed to him:

"BUREAU OF ORDNANCE AND HYDROGRAPHY, NAVY DEPARTMENT,

"Washington City, August 1, 1861.

"SIR: In answer to your proposals of yesterday's date, I have to inform you that the Bureau, being desirous of procuring rifle-cannon for the use of the Navy at the shortest possible notice, will purchase guns of your fabrication of semi-steel: *Provided,*

"1. That the guns made shall conform strictly to the directions and drawings here-with presented.

"2. If you will offer five guns made as above stipulated, the Bureau will receive them, subject to proper inspection, and, if accepted, pay you at the rate of eighty-five cents (85c.) per pound.

"3. It is to be distinctly understood that the Bureau is to be the judge of your compliance with the condition of the agreement, and binds itself to the purchase of no more than may be ordered from time to time.

"You will please notify the Bureau if you accept the terms herein specified.

"Very respectfully,

"AND'W A. HARWOOD,

"Chief of Bureau Ordnance and Hydrography.

"MR. NORMAN WIARD, *Washington, D. C."*

This offer was accepted. Mr. Wiard promptly set at work to manufacture guns under this agreement.

It is to be noticed that the kind of material out of which the guns were to be manufactured was agreed upon between the parties; and that the model of the guns, as well as all measurements and directions, were to be furnished by the Government.

A lot of five guns were forged under this agreement, and an order was given for another lot of five. But directly after giving the order for this last lot of five, the Bureau added the further requirement that this second lot was to be submitted to "proof." This kind of test was not within the terms of the original agreement, which only required "inspection," and might well have been objected to by Mr. Wiard. But he seems to have accepted this new condition. The first five were finished and inspected, and the work upon the guns appears to have been satisfactory to the inspector.

The Bureau, however, before acceptance, required the test of "proof." This requirement as to the first lot of five was clearly outside of the terms of agreement, and was, therefore, unjust. The Bureau had inserted into the agreement the right to refuse further guns at any time after the completion of any lot of five; and, therefore, the manufacturer incurred great risk in undertaking to furnish any guns under that agreement. Therefore, upon satisfactory "inspection" of the first five, he would have had a just claim for the price of all of them upon the Government, except for this reason: In consequence of the mistake of an employé, and without the knowledge or fault of Wiard, a new or false chamber was inserted in one of the guns, which, it is alleged, could not readily have been detected by the inspector, and which would have been rejected by him had he known the fact. We think, therefore, that but four guns of the first five should be paid for.

As the second lot of five is not clearly proved to have been undertaken before the condition of "proof" was insisted upon by the Bureau, and apparently concurred in by Wiard, we are inclined to the opinion that he is not entitled to pay for such of the second lot of five as did not endure the "proof."

The usual proof, and the one actually applied in this case, was ten charges.

Under this test one of the last five burst.

Two of the first lot had also been disabled under the test of "proof."

And upon the bursting of the last gun tested, the Bureau refused to have anything to do with any more of the guns, denied that they had in fact formally received any but the first, or, as it was called, "the trial-gun," and, though two more of the guns had stood the ten-charge proof, and four more of the last lot of five were finished, refused to pay for any but the first, or trial-gun, which had stood the test of at least three hundred and fifty charges.

The reasons given by the Bureau for refusal of payment have been carefully considered, but they are not sufficient to justify its action.

That the second lot of five, as well as the first, were finished and offered for inspection is proved by the letters of Commander Hitchcock to the Ordnance Bureau. If they were not inspected, and were not "proved," it is not the fault of Mr. Wiard.

It would therefore seem that Mr. Wiard should receive pay for the first five, less the price of the first gun, which was paid for, and of the gun with the false chamber; and that he should receive pay for the second lot of five, less the one disabled by the "proof."

And taking the prices as agreed upon, and the average weight as ascertained by the weights of several of the guns given by the Ordnance Bureau, the account stands thus:

Three guns, 5,518 pounds each, 16,554 pounds, at 85 cents.....	\$14, 170 90
Four guns, 5,518 pounds each, 22,072 pounds, at 80 cents.....	17, 657 60
	31, 828 50

The amount allowed by the report of the Ordnance Committee, (before referred to,) under this head, was, \$42,180. But the documents furnished by the Navy Department after the date of that report show the propriety of the reduction that is now made, though they do not affect otherwise the reasoning or the conclusions of that report.

II.—7½ INCH GUNS.

Next in respect to the date of the contract is the claim for damages, caused by the abrogation of an agreement for finishing certain "gun-blocks" into 7½-inch guns.

This contract was made, like the first, by correspondence between the parties, which is furnished in the communication before referred to, from the Secretary of the Navy.

It seems that in October, 1861, the Navy Department had made, or was about to make, provision for the casting of large blocks of metal for guns of different calibers; and that Mr. Wiard was applied to by the Ordnance Bureau to state the price for which he would finish those blocks into guns.

On the 28th of October he offered to do the work on the 7½-inch guns for \$750 each; and the offer was accepted.

The bargain was consummated by the Chief of the Bureau of Ordnance, through the intervention of Commander Harwood.

Representations were made to Wiard that a large number of blocks were to be finished, as is shown by the letters of the Bureau, stating the sources from which they were to come, in addition to the assurances made directly to Wiard by the Bureau officials.

Wiard's only responsibility was in finishing the blocks, furnished by the Bureau, according to certain measurements, drawings, and directions, also furnished by the Bureau.

As the work of finishing such large masses of metal into guns could not be done in ordinary machine-shops, and must of necessity require a great outlay, it was of importance to Mr. Wiard to understand how many guns would be required by Government.

No specific number was agreed upon, but it is evident that both parties contemplated large and long-continued employment for the works to be established by Mr. Wiard.

And in addition to the correspondence of the Bureau before referred to, Commander Hitchcock, who was specially authorized to make the agreement in this particular case, says, in a letter dated May 17, 1862:

"The 7½-inch guns which were put into Mr. Wiard's hands to finish, seven in number, were progressed with until the work was stopped by the Bureau. The work was undertaken with the expectation that a sufficient number of guns would be put into their hands to compensate them for their expenditure upon machinery and fixtures. The guns were in part completed; and as it was no fault of Mr. Wiard that they were not entirely so, I think it but just he should be paid the price agreed upon, \$750; and I doubt if that will give them any profit."

Under this agreement, and with these representations, Mr. Wiard undertook to finish the gun-blocks.

The work required the construction of large lathes or boring-mills, and a rifling-

machine, together with all other suitable tools. It also required the construction of a building for the special accommodation of these lathes and tools.

The work was commenced immediately. At the outset there were some obstacles that hindered its progress; but the delay was only temporary. No complaint was made by the Bureau or the inspector that the work was not pushed forward with reasonable dispatch. On the contrary, the correspondence published by the Bureau indicates, rather, that Mr. Wiard was himself delayed by the negligence of the Bureau in not seasonably furnishing drawings and directions.

Seven blocks were furnished by the Government. Four of these were finished, and three were in the process of being finished, when the work was stopped without the assignment of any cause whatever.

There is no pretense that Mr. Wiard's work did not fully meet every requirement.

The Department at that time, December, 1861, was in need of every gun it could procure.

Mr. Wiard took the material as furnished by Government, and made the guns exactly as required, according to the Dahlgren pattern.

There had been invested, as it will be afterward seen, \$26,000 in new lathes and tools, fit for no other purpose.

No reason was given for suspending the work, and no offer made as compensation for the now-useless outlay for buildings and machinery.

In the published correspondence there are letters of the inspector, which admit the inference that the work was abandoned because the Bureau had become convinced that the material out of which the blocks were made was unsuitable.

And the affidavit of Mr. Plass, one of the persons engaged in the fabrication of the guns, states that Commander Hitchcock told him at the time the work was stopped that the Bureau did not intend to give any further orders until the form of the gun was modified.

But whether the work was stopped for one reason or the other, in neither case was the contractor responsible. He is entitled, therefore, to compensation for the damages sustained by him, to the extent that such damage accrued by failure of the Government to meet its engagements.

Throwing aside all prospective gains and incidental losses, the sworn testimony of Mr. Plass, whose firm made the expenditure for the lathes and other tools, is as follows:

Three lathes, (combining turning and boring machines,) each \$6,000 ..	\$18, 000
One rifling-machine	3, 000
Shop for lathes	5, 000
	26, 000

Which seems not an unreasonable estimate for works of such magnitude.

Mr. Plass testifies that the shop consisted of a large brick building of one story, with stone foundations for the lathes, built upon leased land, for which no compensation was allowed by the owner when given up a few months afterward; that the lathes and rifling-machine were of no value for any other purpose; and that, in fact, the only amount received for them was their value as old metal—say about one cent per pound. He further testifies that no profit was realized upon the seven blocks finished, being the first product of the experiment, and necessarily attended with greater expense than those to be made afterward.

It does not seem proper to allow the whole cost of the extra building above mentioned, though it might, for the reason alleged, have been a bad investment for the contractor. Allowing, however, half its value, and estimating the value of the old metal at \$500, the damages to be allowed under this head would be \$23,000.

III.—15-INCH GUNS.

The claim in this branch of the case is founded upon an agreement hereto annexed, marked "A," made between Norman Wiard and Gideon Welles, Secretary of the Navy, dated April 10, 1863. The contract contemplated the fabrication of 15-inch guns in accordance with drawings and descriptions furnished by Mr. Wiard. The object of both parties was evidently, at the time it was made, to give satisfactory opportunity to test the qualities of a gun in the principle of which Mr. Wiard, the inventor, had great confidence. It must have been evident that the outlay for such fabrication would necessarily be large on the part of the manufacturer; and, as there was great need of safe guns at that time, and as the expense of the Government, in case of failure upon trial, was comparatively small, the contractor had the right to expect that, in any event, he would be entitled to an opportunity to test his invention, in so important a matter, to the fullest extent which a liberal construction of his agreement would allow. He seems, therefore, to have made large investments in good faith, and to have set about the work with great energy.

The contract provided for two trials of the gun. Mr. Wiard made an attempt and failed in the casting, merely producing a shapeless mass of iron. He made a second attempt, in which he produced an apparently good casting, which he finished. But the gun burst upon trial.

He made a third attempt and finished a second gun, which he offered for inspection and proof.

The Ordnance Bureau refused to receive it, and annulled the contract upon the ground that he had exhausted all the opportunities given him under the contract, and that the Government would not proceed further in the experiment.

Mr. Wiard protested that he had had but one trial; that the first shapeless mass was not a gun within the meaning of the contract; that he had not asked, and did not ask pay for the metal in that imperfect casting, and presented the last gun as the second gun made under that contract; and that he only expected to receive pay for the metal in the last-named gun, which was in a condition to be fired and proved, instead of for that in the abortive casting that was useless for anything.

But the Bureau persisted in its refusal, and finally paid for the metal in the worthless casting, which it was impossible to put to any test, instead of the metal in the finished gun, which was waiting to be proved.

Without suggesting that, under such circumstances, in the midst of a great war, and under a pressing necessity for safe guns, an inventor was entitled to great liberality in the construction of such an agreement, after making a very large investment, which could produce no possible return, except in some case of success, it would seem that, upon the strictest construction of the terms of agreement, Mr. Wiard had a right to have his second finished gun proved by the Ordnance Bureau according to his request.

And upon the refusal of the Bureau to accept the gun offered for inspection and proof and the consequent annulment of the contract, the Government is liable for the damages consequent upon the breach of the agreement.

In estimating these damages two views are suggested:

First. Inasmuch as the claimant made a large investment, which would be, of necessity, almost wholly lost in case the experiment failed, or in case the Government did not carry out its part of the agreement, and inasmuch as a strong inducement to such investment was not only the promise of the Department contained in the agreement under consideration, but also the encouragement held out by both the Navy and War Departments for the manufacture of an unlimited number of such guns, in case of success, it is therefore claimed that the contractor is entitled, the Bureau being in fault to receive the amount proved to have been lost by such investment.

This is the view taken by the report of the Ordnance Committee before referred to. And they appear to have had satisfactory proof that the amount invested was \$33,668.40. Deducting from this, however, the amount now proved to have been realized from the sale of machinery, tools, &c., after the work was stopped, (namely, \$13,761.77,) and the actual loss is reduced to the sum of \$69,906.72.

Another view is this: Mr. Wiard was working under an agreement, the provisions of which were specific and clear as to the number of guns which, in any event, the Government was required to take. That number was twenty. And in case of breach of contract by the Government, the loss to the contractor must be confined to the profits which he would have made had opportunity been given to fabricate the contract number. If those profits—as they must have proved to be in this case—should be only a small part of the expenditure necessary to the production of the first guns, it is nevertheless all that could be expected under the contract. And though the contractor might have had—as he thinks he had reason to have—large expectations of business, and consequent profits in case of success, yet, claiming damages as he does, under a particular contract, he must be satisfied with the rule of estimating damages which gives him only the amount of the probable profits that would have come to him from the number of guns which the Government had, in case of successful experiments, agreed to receive.

And this is the view which the committee, after careful consideration, is constrained to adopt.

The Navy Department did not undertake to indemnify the contractor for whatever might be the loss growing out of his expenditures. Like any other party, the Government should be held liable for the loss legitimately consequent upon the failure to fulfill its engagements. But it can properly be held to no further obligation.

The breach of the contract in this case did not grow out of that part of it which relates to the receiving of the twenty guns. But as the Department agreed that the proof of the second trial-gun was to be, partly, at his own expense, and to be conducted, after inspection, by an ordnance officer; and as it was only after proof so conducted, and satisfactory to the Bureau, that any more guns would be ordered, or accepted even for proof; and as the Bureau definitely refused to make such inspection and proof of the second gun when offered, it is clear that any further attempt to execute the agreement on the part of the contractor would only result in useless expense.

The Department, therefore, caused as effectual a breach of agreement by refusal to in-

pect and prove the second gun as it could have done, at any future time, by refusal to receive guns after a satisfactory test.

The weight of each gun was to be 43,000 pounds, which, at 16 cents per pound, as agreed, would be \$6,880. Twenty guns, at \$6,880 each, \$137,600.

Under all the circumstances of the case, it is not unreasonable to estimate the probable profits at 20 per cent. upon the cost, amounting to \$27,520, which is awarded as due, under this branch of the claim.

IV.—THE FRÉMONT BATTERIES.

In this case the claimant bases his claim upon a certain contract "made and entered into on the 23d day of September, 1861, between the United States, represented by Capt. C. F. Callender, United States ordnance officer in command of the United States arsenal at Saint Louis, Mo., who was acting under the immediate orders of Maj. Gen. John C. Frémont, commanding the Western Department."

The claim is stated thus:

The claimant was to receive for the first two batteries of 6 and 12 pound guns the sum of \$11,500 each	\$23, 000
And for the two batteries 12-pounder guns, the sum of \$12,400 each	24, 800
Aggregate	47, 800
Less amount received from part of these guns and stores sold for storage....	9, 360
Leaving a balance due the claimant	38, 440

The contract thus alleged to have been made at Saint Louis is not produced, nor any copy thereof. The reason for not producing the contract is, as testified by the only witness in the case, that he delivered it, among other private papers of Mr. Wiard, to General Ripley, and was not able afterward to get it back.

The statement of its contents, by the witness produced to prove it, is indefinite and unsatisfactory.

The guns were never inspected nor proved; it does not appear that they answered the material requirements of the contract, whatever they may have been; nor is it clearly shown what disposition was finally made of a large part of them.

But were the terms of the agreement, its performance by the claimant, and the amount of damages more clearly proved, there would yet remain the grave question whether damages should be allowed for breach of a contract made, under such circumstances, when not approved by the Ordnance Bureau, and when no beneficial result accrued to the Government. Upon that point, however, there is now no need to express an opinion.

For the reasons first assigned, the claim should be rejected.

V.—STEAMERS AUGUSTA AND SAVANNAH.

This branch of Mr. Wiard's claim is stated thus:

Norman Wiard, at the instance of the Hon. Peter H. Watson, Assistant Secretary of War, constructed two iron-plated steam transports, called the *Augusta* and the *Savannah*. The steamers, after inspection, were approved.

A negotiation as to the price of the steamers arose between Mr. Wiard and those representing the Government, and on the 3d of November, 1864, Mr. Wiard submitted to General Meigs, Quartermaster-General United States Army, a proposition to sell the *Augusta* for \$80,000, delivered at Hampton Roads, Fort Monroe, or Norfolk; the payment to be made as follows: \$50,000 on the receipt in New York of orders to dispatch the steamer; \$30,000 upon her safe arrival at her destination as above. That the risk of navigation and by fire should be borne thus: \$50,000 by the Government, and \$30,000 by Mr. Wiard; for which \$30,000 he stated he would obtain insurance. Mr. Wiard also proposed to furnish the crew, coal, and stores at his own expense for the trip, but required return transportation for the captain and chief-engineer. Mr. Wiard offered the *Savannah* on the same terms.

On the 29th November, 1864, the Government, by Col. George D. Wise, who was chief of Bureau of Ocean and Lake Transportation, accepted the offer of sale of the *Augusta* and *Savannah* on condition that Mr. Wiard deliver them in good order at Hilton Head, South Carolina.

Mr. Wiard agreed to this proposition, provided the Government found the coal and fuel. (See memorial as to coal and fuel, sworn to by Wiard and O. M. Beach, page 9, letter of Colonel Wise, November 29, 1864.)

On the 8th of December, 1864, the *Augusta* was dispatched. On 10th December, 1864, Mr. Wiard applied for the \$50,000, and on 15th December, 1864, Colonel Wise answered that "the *Augusta* is not considered the property of the Government until she arrives at Hilton Head and is delivered in good order." (See memorial, page 8.)

The Augusta went ashore on Cape Henlopen, and was damaged.
Mr. Wiard's claim is for—

1. Five-eighths of what the insurance company charged for the repairs, being	\$21,254 17
2. Interest on \$100,000, being the first payment for the two steamers from the time it was to have been paid until paid	2,346 90
3. An extra pump on Augusta	600 00
4. Chains and sails retained by the officer at Hilton Head, (proven by memorial, page 19, sworn to by Wiard and O. M. Beach)	1,219 25
Total amount claimed	25,511 12

After a careful consideration of all the proofs and documents submitted in this part of the case, the committee have come to the conclusion that the Government only accepted the offers of the claimant for the sale of the vessels upon the modified terms of *delivery of the transports in good order at Hilton Head, South Carolina*. Therefore, the incidental costs of repairs *in transitu*, and the interest charged in the first and second items, amounting to the sum of \$23,001.07, in their judgment form no just claim against the Government.

The Quartermaster's Department was responsible for nothing, having supplied the vessels with coal and fuel, according to the modified terms of the claimant's agreement, until the same should be delivered in good order at Hilton Head.

But, for the safety of these vessels on a winter voyage, the extra steam-pump, chains, and sails, charged in the third and fourth items, amounting to the sum of \$1,819.25, were supplied by the claimant, and as those articles formed no part of the regular equipment of the transports, and were not returned nor accounted for to the claimant, he is entitled, in the opinion of the committee, to be re-imbursed therefor. Every portion of this claim, except the three items of steam-pump, chains, and sails, are without equity, and, in the opinion of the committee, deserves no further consideration by Congress.

It is therefore recommended that relief be granted to the extent of \$1,819.25, and no more.

VI.—THE STEAMERS FOSTER, RENO, BURNSIDE, AND PARKE.

The above steamers were sold to the Government, for a certain price, after being inspected and approved by the proper Government officers; which price was duly paid.

The claim now presented is for the amount of \$58,210.77 for the expenses of labor, new boilers, machinery, and alterations, made by order of Major-General Butler upon said steamers after they were so inspected and accepted.

The items of the claim are thus stated :

For furnishing each of the four steamers with a hog-frame, at a cost of \$2,450 each	\$9,800 00
For the Foster, in repairing the damages sustained by running upon a sunken stump	2,304 55
Paid Hayen & Co., Baltimore, cash for new copper sheathing	1,381 32
Three new boilers for the Foster	6,200 00
Two new air-pumps	780 00
Two new evaporators	825 00
One new blower, (Dimpfel patent,) set up	380 00
New pipes, valves, and connections	400 00
One new blowing-engine, set up	500 00
New bracing for boilers	360 00
Pipes and dampers for blowers	180 00
	23,710 77
Burnside boilers	\$3,250 00
Blower and engine	880 00
Sheet-iron work	540 00
Felting	130 00
Setting up boilers, removing decks, new combings, &c.	1,300 00
Pipes and fittings	400 00
	11,500 00
The Reno same as the Burnside	11,500 00
The Parke same as the Burnside	11,500 00
Foster	23,710 77
Total	58,210 77

The documents furnished by the Quartermaster-General's Office clearly sustain the allegation that the items thus stated are entirely outside the requirements of the agreement of purchase, and the testimony tends to show that the alterations and additions were made under the direction of Major Van Vliet, quartermaster, Mr. Haswell, engineer, and General Graham at New York, and of Major-General Butler at Norfolk.

It does not appear, however, that this work had the formal approval of the Bureau at Washington, and it is alleged that the lack of such approval has heretofore stood in the way of an adjustment of this claim at the War Department.

That a large expenditure was made upon these steamers after they were accepted by the Government; that it was made by Mr. Wiard, under the direction of Government officers; and that it must have been made with the full knowledge of the Bureau, seems not to admit of a doubt.

And, inasmuch as these alterations were ordered by an officer in the field high in command, for whose use the steamers were intended, and inasmuch as the Government received the benefit of the expenditure, there seems to be no good reason why it should not pay whatever may have been proved to have been so expended.

The whole amount claimed is, however, not satisfactorily proved.

There is no sufficient proof of the second and third items, amounting to \$3,685.87. Nor is it clearly shown that there should be an allowance for the value of the boilers furnished, as charged, for the Burnside, Reno, and Parke.

It is left in doubt by the testimony whether the original boilers were merely altered and reset in a different position, or whether, if supplanted by new ones, they were not in a condition for further service, and, therefore, of considerable value to the claimant.

Under this state of the evidence it does not seem proper to allow the price of these boilers, amounting to \$24,750. The other items appear satisfactorily proved.

Making the above deduction, the result is:

Whole claim	\$58,210 77	
Deduct—		
Second and third items	\$3,685 87	
Three sets boilers	24,750 00	
		28,435 87
		<u>29,774 90</u>

Leaving \$29,774.90 as the sum due for said expenditure.

SUMMARY.

I. Amount allowed under the 50-pounder gun contract	\$31,828 50
II. Amount allowed under the 7½-inch gun contract	23,000 00
III. Amount allowed under the 15-inch gun contract	27,520 00
IV. Amount allowed under the Frémont-battery contract	
V. Amount allowed on account of steamers <i>Angusta</i> and <i>Savannah</i>	1,819 25
VI. Amount allowed on account of steamers <i>Foster</i> , <i>Burnside</i> , <i>Reno</i> , and <i>Parke</i>	29,774 90
Total	<u>113,942 65</u>

In view of the premises and considerations set forth, the committee report back the bill providing for the appropriation of \$113,942.65 in full payment for all work and labor done, materials furnished and supplied to, and for all damages and losses sustained by breaches of contract with, and on the part of, the United States, during the war and hitherto, and recommend its passage by the House.

"A."

Contract between Secretary Welles and Norman Wiard in relation to 15-inch guns.

This contract, made and entered into this 10th day of April, 1863, between the Honorable Gideon Welles, Secretary of the Navy, acting for and in behalf of the United States of America, of the first part, and Norman Wiard, of the city and State of New York, as principal, of the second part, witnesseth: That, for and in consideration of the stipulations hereinafter mentioned, the said party of the second part agrees:

1. To cast, finish, and prepare for proof, and furnish a suitable place and means for mounting and proving, a trial smooth-bore gun of 15-inch caliber, modeled upon the plan heretofore presented, to weigh 43,000 pounds, to be in length of the dimensions of the Navy 15-inch guns mounted in the turret-vessels.

2. The finished castings shall be free of all defects or cavities on the exterior or inte-

rior for which the naval service-guns would be rejected; the bore shall be within the regulation limits, and the preponderance as established by the regulations of the Navy Department.

3. During the fabrication, (of the time of the commencement of which the Navy Department shall be informed,) the officer who may be appointed to examine and superintend, on the part of the Government, the progress of the work, shall be afforded all necessary facilities to ascertain all the details of molding, casting, qualities and kinds of iron and fuel used, arrangement of the pit and flasks, and everything bearing on the peculiarities of this method of casting guns.

4. When the gun is completed, and reported ready for proof by said party of the second part, one-half the value of said gun completed, at 25 cents per pound, shall be paid, or caused to be paid, by the said party of the first part; and as soon thereafter as may be convenient it shall be subjected to the following proof: one charge of 80 pounds of No. 7 quickest-burning powder, (Hazard's or Dupont's,) and two solid shot, with the usual windage, to be cast in pairs in this form,* and to weigh together 900 pounds, and to have flattened ends, that they may not crush in the gun. Then 20 charges of 60 pounds of the same powder and one shell of 330 pounds weight to each charge, to be fired with the greatest possible rapidity.

5. If the gun stands the proof without other injuries than those allowed by regulation, it is to be immediately accepted by the Navy Department, and paid for at the rate of 25 cents per pound, less the amount which may have been advanced under the provisions of article 4; and the said party of the first part agrees to forthwith give the said party of the second part an order for 20 guns, formed upon the same plan, of such calibers as may be required by the exigencies of the naval service, of not less than 10 inches caliber, made of the same iron, in the same manner as the trial-gun; but not more than two calibers shall be required; which guns said party of the second part agrees to furnish at 16 cents per pound.

The guns shall be finished in a workmanlike manner; the variations in dimensions of the finished guns shall not exceed those allowed in service-guns, and they are to be subjected to the same proof as guns of like caliber in the naval service.

6. If the first or trial-gun should fail to stand this test from any defect of fabrication, the said party of the second part shall be permitted to cast a second trial-gun, subject to the same conditions and tests as the first gun, which, if it proves successful, shall be taken as the trial and model gun. In the manufacture of this gun the fragments of the first one may be used by the said party of the second part. If the second trial-gun should also fail, this contract is to be void and of no effect, and the rejected gun or guns and their fragments shall become the property of the Government.

7. The first gun shall be ready for trial within two months of the date hereof; and should this gun fail, the second trial-gun shall be ready within one month after the date of the failure of the first one.

8. The date of the delivery of the 20 guns provided for in article 5, should they be ordered, will be determined by an agreement to be made between the contracting parties. The conditions of payment for the 20 guns aforesaid to be those usual in contracts made by the Navy Department for ordnance, viz: "No other charge to be admitted nor allowances to be made by the United States for or on account of this contract, and twenty per centum to be withheld from the amount of all payments due on account thereof as collateral security, and not in any event to be paid except by special authority of the Secretary of the Navy until it is in all respects complied with by the parties, and eighty per centum of the amount of all deliveries will be paid by the Navy Department within 30 days after bills duly authenticated shall have been presented to him."

And the said party of the second part does further engage and contract that no member of Congress, officer of the Navy, or other person holding any office or appointment under the Navy Department, shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon.

And it is hereby expressly provided, and this contract is upon this express condition, that if any such member of Congress, officer of the Navy, or other person above named, shall be admitted to any share or part of this contract, or to any benefit to arise under it, or in case the party of the second part shall in any respect fail to perform this contract on his part, the same may be, at the option of the United States, declared null and void, without affecting their right to recover for defaults which may have occurred.

It is further stipulated and agreed that if default shall be made by the party of the second part in delivering all or any of the 20 guns, if they should be ordered, at the times and places which may be provided, that then and in that case the said party will forfeit and pay to the United States, as liquidated damages, a sum of money equal to twice the amount of the contract-price herein agreed upon as the price to be paid in case of the actual delivery thereof; which liquidated damages may be recovered from time to time as they accrue.

* See drawing, printed evidence, page 10.

In testimony whereof the parties of the first and second parts have hereunto set their hands and affixed their seals, at the city of Washington, the 10th day of April, 1863.

NORMAN WIARD.
GIDEON WELLES.

Further, in reference to section 8, above, it is hereby agreed and determined by the contracting parties that the dates of the delivery of the 20 guns provided for in article 5, should they be ordered, shall be as follows :

One gun per week after the success of the trial gun or guns.

NORMAN WIARD.
GIDEON WELLES.

VIEWS OF THE MINORITY.

With entire respect for the majority of the committee, I am not able to find such facts as enable me to concur in the report.

If the claimant had any proper demand, it seems to me it would be better to refer it to the Court of Claims, where evidence might be produced on behalf of the Government, and a judicial investigation had. But these claims have already been investigated in the proper Department of the Government, to which the claimant submitted them, and I do not find evidence to impeach the decision arrived at. The claimant had the right to sue in the Court of Claims. If he abandoned that right until he no longer had a right to sue, I do not perceive any reason now for giving relief by act of Congress, when the evidence, or some of it, on behalf of the Government, may be lost.

The Government holds the receipts in full of the claimant on the allowances already made, and I do not perceive sufficient reason to disregard them.

WM. LAWRENCE.

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MICHAEL MULHOLLAND.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MELLISH, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2994.]

The Committee on War-Claims, to whom was referred the petition of Michael Mulholland, of Vicksburgh, Miss., for compensation for destruction of property by United States troops at Memphis, Tenn., in the year 1863, having had the same under consideration, beg leave to report :

That on the 23d of February, 1863, Capt. George A. Williams, provost-marshal, sent a file of soldiers to the claimant's house, ejected claimant and family, and took possession of his furniture and other effects, as set forth in the accompanying papers, a large portion of which was subsequently used for hospital purposes. Mr. Mulholland's loyalty is established beyond question. Among certificates to this fact is that of General Sherman, dated December 7, 1872, as follows:

"The bearer of this, Mr. Michael Mulholland, was a good loyal citizen of Memphis, Tenn., to my personal knowledge."

Hon. S. A. Hurlbut, of Illinois, says that "he was one of the very few men in that region who seemed honestly loyal to the United States."

Affidavits of well-known citizens of Memphis in reference to claimant's loyalty will be found with the accompanying papers.

A schedule of items, with their alleged value, is presented, and the amount claimed is \$6,837.50. Your committee, after investigation, have come to the conclusion that Mr. Mulholland is entitled to compensation for his losses, and recommend the passage of the accompanying bill, appropriating the sum of \$3,418.75, which it is believed is a fair compensation for the property taken.

VIEWS OF THE MINORITY.

It seems to me this claim is excluded from payment by the principles stated in House report No. 202, made March 26, 1874, by the Committee on War-Claims.

WM. LAWRENCE.

MRS. EMMA A. PORCH.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. MELLISH, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2995.]

The Committee on War-Claims, to whom was referred the petition of Mrs. Emma A. Porch, of Missouri, for services rendered and losses incurred as a scout and spy during the late war, have had the same under consideration, and beg leave to report:

That the whole subject has been repeatedly examined by different committees of Congress, and in all cases has been reported upon favorably. The Committee on Claims of the Forty-first Congress made the following report:

The petitioner was employed by order of General E. B. Brown as a scout and spy about the 7th of April, 1864, and during the "Price raid."

The sworn statement of the petitioner, together with the affidavits of Martha Osterlander and Herman S. Brannes, and letters from General E. B. Brown and Governor Thomas C. Fletcher, all concur in proving that the petitioner rendered service as spy and scout; that such service was at great hazard to her life; that she thereby furnished the United States Government with valuable information; and that she was promised by the provost-marshal \$500 for the same.

It also appears that she was thus employed from about the first of October until some time in November, 1864, during which time she was taken prisoner by the enemy.

The character of the petitioner is esteemed as above reproach.

The claim was again considered by the Committee on Claims of the Forty-second Congress, which adopted the statement of facts found by the committee of the Forty-first Congress, and added the following:

In the report of the Committee on Claims above referred to, the item of two horses lost, is not considered at all, and seems to have been entirely overlooked. The evidence submitted establishes such loss to the satisfaction of the committee, and that said horses were worth \$150 each.

In view of the fact (see Appendixes A and B) that the services rendered by Mrs. Porch were of great value to the Union cause; that said services have seriously impaired her health; that she saved the life of a Union officer; that she has received no compensation for the horses so lost, to which your committee believe her to be entitled, and that nearly ten years have elapsed since the services were rendered, your committee are of opinion that Mrs. Porch is entitled to compensation for services rendered and losses incurred while acting as a Union scout, and also on account of her impaired health, and accordingly report the accompanying bill appropriating \$1,000, and recommend its passage.

APPENDIX A.

STATE OF MISSOURI, EXECUTIVE DEPARTMENT,
City of Jefferson, May 21, 1866.

The claim of Mrs. Emma A. Porch, late Miss Kate Smith, for services as scout rendered Brig. Gen. E. B. Brown, United States Volunteers, commanding Central District Missouri, in 1864, has been examined by me, and I am well satisfied that it is a just

and meritorious claim, and should be paid. The United States is clearly liable for the same.

No appropriation has been made by the legislature for the payment of this class of claims to my knowledge.

THOS. C. FLETCHER.

APPENDIX E.

OFFICE OF THE CLERK OF THE UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF MISSOURI,
City of Jefferson, April 1, 1871.

I have known Mrs. Emma Porch (whose maiden name Emma Smith) since the early part of the late rebellion; knew her in 1864, and remember that her movements, as they came under my observation, seemed erratic and mysterious; that before and during the time of Price's raid she was going from place to place in this vicinity for some purpose then unknown to me; that while Price's forces were passing here she sought to borrow of me a horse to go in the direction of the raiders. I did not then know why.

Subsequently I learned that she had been then acting as a Federal spy, and was informed that she had been very serviceable. Prior to that time she wore the appearance of robust health.

Since that time she has worn the appearance of enfeebled health, and seems now to be in very poor health. The cause alleged for the loss of her health is the exposure she endured as a spy.

She is a woman of excellent character—exemplary in the various relations of life.

Unquestionably she is entitled to liberal compensation for her services to the Government, and I think it strange that she has not long since received it.

ADAMS PEABODY,
Clerk of United States District Court, Western District of Missouri.

From documentary evidence it appears that the petitioner was a school teacher in California, Mo., for several years, and in 1864, in consequence of the raid of General Price, her school was broken up. She was subsequently employed in the Union Army as a spy, and rendered very efficient service, and was taken prisoner by the rebels, narrowly escaped hanging, and in consequence of great hardships and exposures while a prisoner became broken down in health.

There is every reason to regard her statements as the exact truth, when she says that on one occasion, while she was a prisoner, "The 'Feds,' shelled the train, the shells passing over my head, not to exceed two feet from me." The "Feds" were only half a mile from us. I thought my time had come; I became insane, and knew not what I was saying; I only knew that I was a prisoner, guarded day and night by rebels. Time passed that way, with little variation, for three days and nights, when we arrived in Kansas. I had seen every line of battle that was formed from the first to the last; had seen the dead and wounded, both friend and foe, lying on the battle-field; had been obliged to ride from thirty-five to fifty miles a day under two sets of guards; was worn out and nearly starved, and completely jaded down."

She gives various details and says: "The next time we stopped at Little Osage, Kans. There I formed the acquaintance of a conscript Federal, at whose house we stopped. He pretended to be getting ready to go on with us, (the rebels,) while all the time he was going to try to get to the 'Feds.' I gave him what information I could concerning the 'rebs.' He succeeded in making his escape, and got to our friends in time to give them important news. That night, had they time to dig their ditches, the five hundred prisoners would have been shot and buried, and then I was to have been hanged; but thanks to Almighty God, and the Federals, our boys came upon them before they could carry out their designs. That morning we started South again; went fifty-five miles before we stopped; reached Carthage that night; here General Price was determined to be rid of me, so he ordered the provost-

marshal-general to tell me I should be shot in the morning as a spy." Further details are given, and after a while she was unconditionally released. She states that the last supper she ate with the rebels was only a raw turnip not one-half as big as her fist, and for several days before she left them she was so weak they had to assist her to walk.

Your committee regard this case as possessing special merit, and in view of the fact that the health of the claimant is broken down, impaired as it was by exposure as a guide and scout, believe she is entitled to consideration at the hands of the Government, and therefore report the accompanying bill, appropriating the sum of \$650, that being the amount of \$500 promised by the military authorities at the time, and \$150 for the horse proven to have been lost, and recommend its passage.

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DANIEL WORMER.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. G. W. HAZELTON, from the Committee on War-Claims, submitted the following

REPORT :

[To accompany bill H. R. 2996.]

The Committee on War-Claims, to whom was referred the petition of Daniel Wormer for relief, having had the same under consideration, beg leave to report as follows :

On the 26th February, 1864, the claimant entered into a contract with James A. Ekin, the chief quartermaster of the Cavalry Bureau, whereby he agreed to have delivered at the Government stables at Saint Charles, Illinois, on or before the 26th of March following, 1,200 cavalry-horses of the description and quality specified.

It was also agreed that the horses upon being delivered should be examined and inspected without unnecessary delay.

At once, upon the execution of the contract, Wormer telegraphed his agents who had helped him about filling previous contracts to purchase horses to fill this contract. They proceeded at once to do so. Wormer went to Saint Charles for the purpose of executing his obligation under the agreement, when he learned, for the first time, that an order had been promulgated, after the date of his contract, changing in several essential particulars the method of inspection of the horses and the conditions on which they should be accepted.

By this new order, which it became necessary very soon to revoke, all horses not accepted were to be branded so as to indicate their rejection ; and instead of remaining in the hands of the contractor or owner, until inspected, they were to be turned into the inspection-yard of the Government at least twenty-four hours before their inspection.

Under the terms of this order it was found impossible to fill the contract. The owners and sub-contractors refused to supply or sell horses upon the condition that, if rejected, they were to be permanently disfigured and materially debased in value, and to take the risk of turning their horses into a common yard with multitudes of other horses, whereby they might contract incurable diseases or be seriously injured.

Under these circumstances Mr. Wormer appealed to the chief of the Cavalry Bureau to be allowed to fill his contract free from the modifications of the new inspection, but was peremptorily refused.

Shortly after, the order was revoked and its author dismissed the service.

The claim is for damage sustained by said Wormer by reason of the violation of the contract and agreement on the part of the Government.

It appearing that he was required to pay out and disburse a large sum of money to his agents and others by reason of such breach of the contract on the part of the Government, and to lose the entire profits of such contract the committee recommend the allowance of \$4,500 in full payment and discharge of said claim, that being about the amount actually paid out by said Wormer, and not embracing the profits of his contract, and report the accompanying bill to that effect and recommend its passage.

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GEORGE A. SCHREINER.

APRIL 17, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. ISAAC. W. SCUDDER, from the Committee on War-Claims, submitted the following

REPORT:

[To accompany bill H. R. 2997.]

The Committee on War-Claims, to whom was referred the bill (H. R. 987) for the relief of George A. Schreiner, having considered the same, report:

That George A. Schreiner, of Wyandotte County, State of Kansas, claims of the Government of the United States the pay of a pilot from December 9, 1861, to January 1, 1864, at the rate of \$150 per month; two years and twenty-two days; and the amount of the claim is \$3,710.

Schreiner was a pilot by occupation, and familiar with the Mississippi and Missouri Rivers, and had been pilot for several years prior to the 12th of September, 1861, when he received the injury hereinafter stated, which forever disabled him from pursuing that occupation.

In the month of September, 1861, it became necessary to convey the Thirteenth Missouri Regiment of Infantry from Kansas City to Lexington, Missouri; and that regiment was transported by the steamboat *Sunshine*, which was seized by the officers of the United States and pressed into the service.

There being a doubt of the loyalty of the captain, pilot, engineer, and crew of the steamboat *Sunshine*, Col. Everett Peabody, of the United States forces, ordered that George A. Schreiner and Charles Dripps, who were both pilots, should go on that vessel, and should remain on board ready for service in case of any emergency during the time she was subject to the control of the Army officers.

Another reason for taking these two pilots on board of the steamboat was because of the exposed situation of the pilot, and the fact that the shots of the enemy would be particularly directed so as to kill the pilot, and Maj. R. T. Van Horne, subsequently a member of Congress from Missouri, alludes particularly to the execution of the order of Colonel Peabody.

The above-named regiment was conducted safely to Lexington on the steamboat named; and Schreiner and Dripps, the two pilots, were on board of her subject to orders.

The regiment landed at Lexington on the 4th of September, 1861, and Schreiner remained with the regiment, subject to orders.

On the 12th of September, 1861, the forces of the United States,

under the command of Col. James Mulligan, were attacked by the enemy, under the command of General Sterling Price, at Lexington, Mo.

At this battle Schreiner, animated by an ardent desire for the success of the arms of the United States, volunteered his services as an artilleryman, and served a brass six-pound gun under the command of Lieut. John A. Miller. After serving about three hours in this severely contested battle, his right arm was shot by a cannon-ball between the elbow and the shoulder, which made amputation necessary at the shoulder.

From the battle-field Schreiner was taken to the military hospital at Lexington, adjoining the scene of the engagement, and his arm was there amputated.

He remained at Lexington until about the 18th of October following, and was then taken to the military hospital at Saint Louis, and there remained under the charge of Surgeon Hurgins until the 9th of December.

Though not recovered from the effects of his wound, he then asked leave to return home to Kansas, to which place he went, and there remained, under the treatment of Doctor Bennett, until May 14, 1862, and from there went to Saint Louis, Mo., where he was received in the military hospital, and was under the charge of Doctor Hutchins.

Doctor Hutchins examined him and gave him a certificate as to the condition of his wound, and after remaining at Saint Louis about two weeks he returned home.

When at home he assisted in recruiting the Eighty-third United States Colored Volunteers. He also constructed a boat called *The Liberator*, which was of sufficient capacity to transport twenty persons; and this boat was used to transport recruits across the Missouri and Kansas Rivers. For these services as a recruiting agent and for the boat he received no compensation, being impelled to this course of conduct by the same kind of impulses which led him to volunteer at the battle of Lexington.

The commissioners of the Western Department allowed him pay as a pilot from September 3, 1861, to December 9, 1861. He subsequently received a pension, which took effect from January 1, 1864, which at first was at the rate of \$8 per month, and was subsequently increased. For the reasons above stated he claims pay as a pilot from December 9, 1861, to January 1, 1864, he having received his pay, as before stated, down to December 9, 1861.

The construction which has been placed on the pension-laws by the Commissioner of Pensions would seem to require some action of Congress in behalf of Mr. Schreiner.

By an act of Congress approved February 23, 1865, (U. S. St. at L., v. 13, p. 496,) it was enacted "that the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George A. Schreiner, of the county of Wyandotte, State of Kansas, upon the list of pensioners, at the rate of \$8 per month, to commence from the 1st day of January, 1864, and to continue during his natural life."

The disability in Schreiner's case was the loss of an arm.

By the first section of the act of June 6, 1866, (U. S. St. at L., vol. 14, p. 56,) the rate for the loss of an arm was raised from \$8 to \$15, but it was held not to be applicable to pensions created by special acts, and the pension of \$15 per month was declared not to be the right of Schreiner. Subsequently to the passage of the act of June 6, 1866, and under the construction put upon the act of July 27, 1868, (U. S. St. at L., v. 15, p. 237,) section 15 of the last-named act, Schreiner's pension was increased to \$15 per month. The fifteenth section last referred to

declared "that in all cases pensions heretofore or hereafter granted by special acts of Congress shall be subject to be raised in amount, according to the limitation and provisions of the pension-laws."

The act of July 7, 1870, (U. S. St. at L., vol. 16, p. 191,) provides "that the act of July 27, 1868, should not be construed to increase the amount directed to be paid in any special act of Congress."

This provision was re-enacted by section 27 of the act of March 3, 1873, which declared that when the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be raised by the provisions and limitations of the several pension-laws; but when not thus fixed, the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the general act; and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress. (U. S. St. at L., v. 17, p. 574.)

The Commissioner of Pensions declares that by some inadvertence Schreiner's pension was again increased by an erroneous application to his case of the act of June 8, 1872, to \$18 per month from June 4 1872. (U. S. St. at L., v. 17, p. 335.)

Schreiner has been paid to December 4, 1873, and the Commissioner of Pensions has concluded to reduce his pension from \$18 per month to \$8 per month.

Schreiner's case is of that character that he appears to be justly entitled to a pension of \$18 per month, and such legislation should be had as would secure that amount to him.

Having been impressed as a pilot, and while in that service having volunteered at the battle of Lexington, and there lost his right arm, it is respectfully submitted that he should receive compensation during the time of his disability from the day of his last payment down to the time of the commencement of his pension, which would cover the period from December 9, 1861, down to January 1, 1864. Schreiner, being a volunteer, should be regarded as in the military service of the United States under the act of June 8, 1872.

Your committee being of opinion that the case of Schreiner possesses peculiar merit, and that some recognition by the Government of his services, as well as compensation for the loss of his arm, which incapacitated him for further employment in his profession as a pilot, should be made, report the accompanying bill, giving him one-half the pay of a pilot from December 9, 1861, to January 1, 1864, and recommend its passage.





